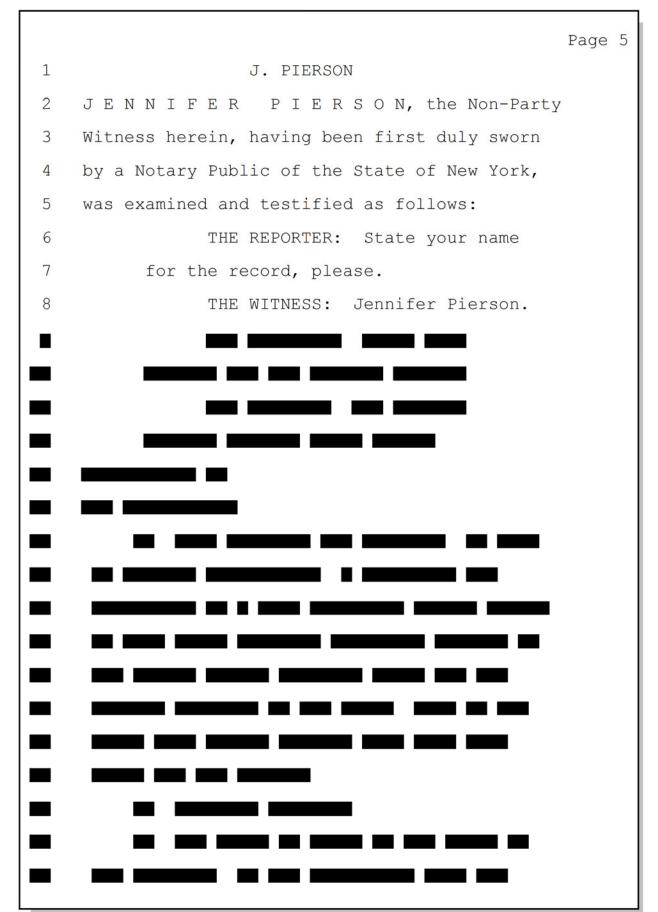


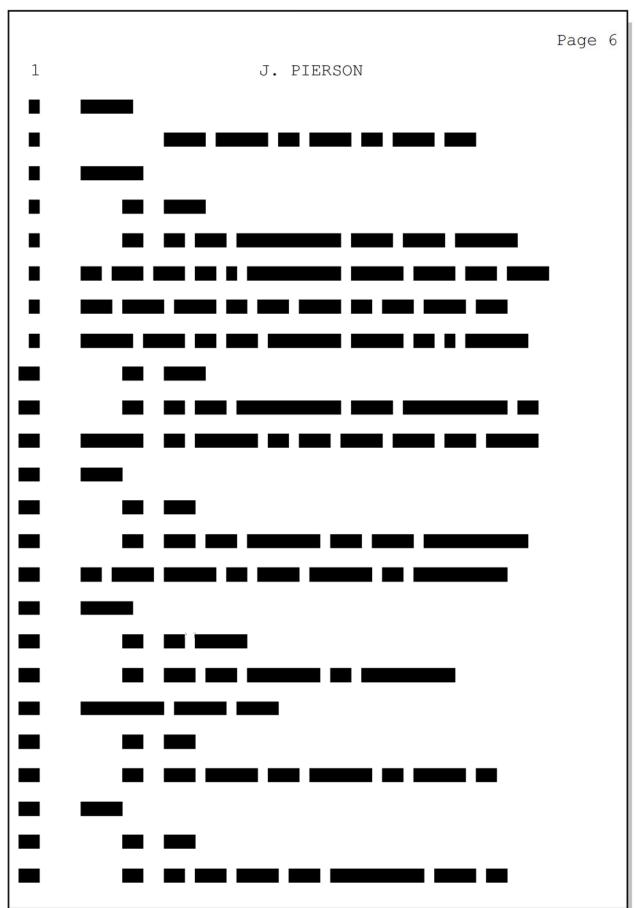
Page 1
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
x
UNITED STATES OF AMERICA,
Plaintiff,
Case No. 1:23-cv-00369-NRM-RML
RARE BREED TRIGGERS, LLC; RARE
BREED FIREARMS, LLC; LAWRENCE
DEMONICO; KEVIN MAXWELL,
Defendants.
x
June 29, 2023 9:30 a.m.
VIRTUAL DEPOSITION of JENNIFER PIERSON, the
Non-Party Witness, taken by the Plaintiff, in
the above-entitled action, held at the above
time and place, pursuant to Subpoena, taken
before AMY BOGUSZEWSKI, a Shorthand Stenotype
Reporter and Notary Public within and for the
State of New York.

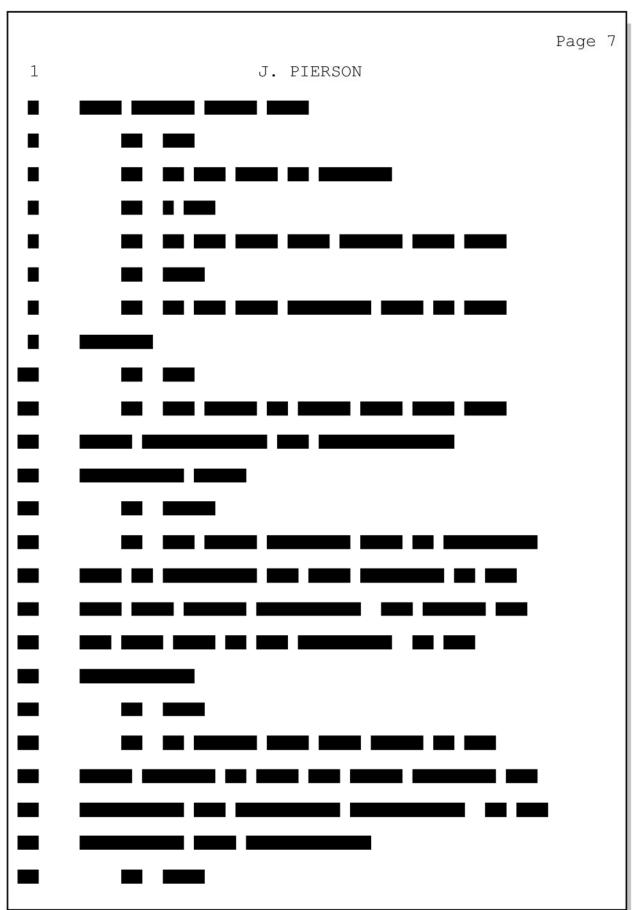
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Page 2
 1
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     Appearances:
3
        UNITED STATES ATTORNEY'S OFFICE
        Attorneys for Plaintiff
4
             271 Cadman Plaza East
             Brooklyn, New York 11201
 5
        BY: PAULINA STAMATELOS, ESQ.
 6
        BY: MICHAEL BLUME, ESQ.
7
8
        DHILLON LAW GROUP
       Attorneys for Defendants
9
             256 Fifth Avenue, 4th Floor
             New York, New York 10001
10
        BY: MICHAEL COLUMBO, ESQ.
11
        BY: DAVID WARRINGTON, ESQ.
        BY: JOSIAH CONTARINO, ESQ.
12
13
14
15
    ALSO PRESENT:
16
       MARIELLE BURNETT, USAO INTERN
17
        SOTIR ZHUPA, USAO INTERN
18
        KEVIN MAXWELL, DEFENDANT
19
        (Joined at 9:45 a.m.)
20
        LAWRENCE DEMONICO, DEFENDANT
        (Joined at 9:45 a.m.)
21
22
23
24
25
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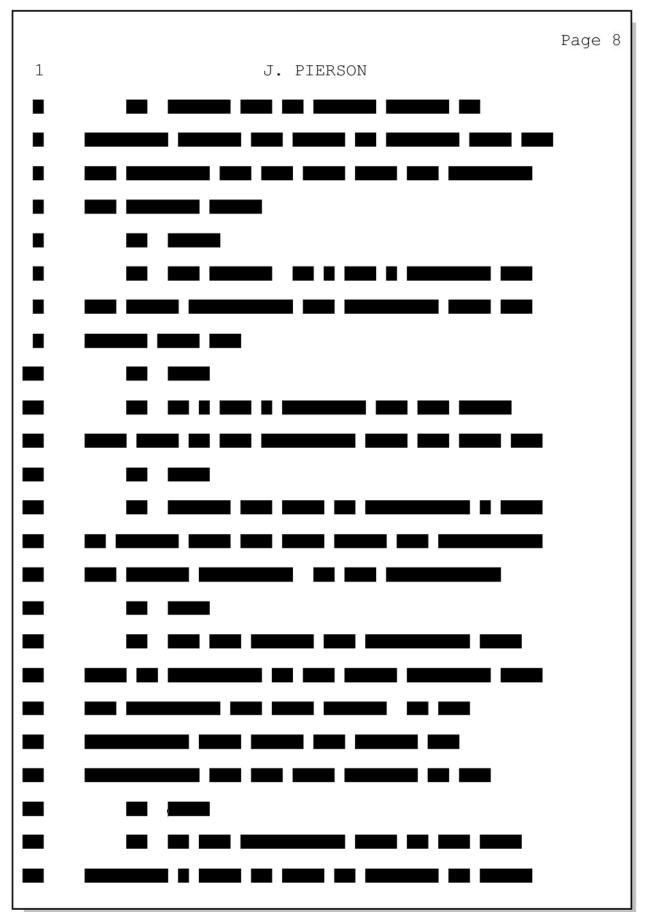
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Page 3
1
 2
                STIPULATIONS
 3
             IT IS HEREBY STIPULATED AND AGREED by
     and between the attorneys for the respective
 4
5
    parties herein, that filing, sealing and
 6
     certification be and the same are hereby
7
    waived.
8
             IT IS FURTHER STIPULATED AND AGREED
9
     that all objections, except as to the form of
     the question shall be reserved to the time of
10
11
     the trial.
12
             IT IS FURTHER STIPULATED AND AGREED
13
     that the within deposition may be signed and
14
     sworn to before any officer authorized to
15
     administer an oath, with the same force and
     effect as if signed and sworn to before the
16
    Court and that a copy of this examination
17
     shall be furnished without charge to the
18
19
     attorney representing the witness testifying
20
    herein.
21
22
23
2.4
25
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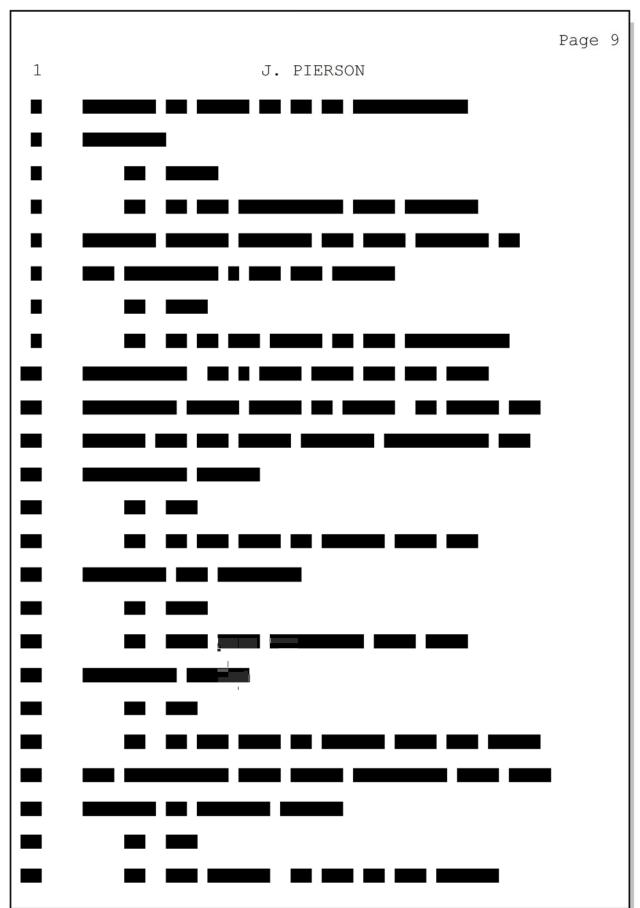

		Page 4
1		
2	THE REPORTER: Will counsel	
3	please stipulate that in lieu of	
4	formally swearing in the witness, the	
5	court reporter will instead ask the	
6	witness to acknowledge that the	
7	testimony will be true under the	
8	penalties of perjury, that counsel	
9	will not object to the admissibility	
10	of the transcript based on proceeding	
11	in this way, and that the witness has	
12	verified that she is, in fact,	
13	Jennifer Pierson?	
14	MS. STAMATELOS: We consent.	
15	MR. COLUMBO: Yes, we consent.	
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

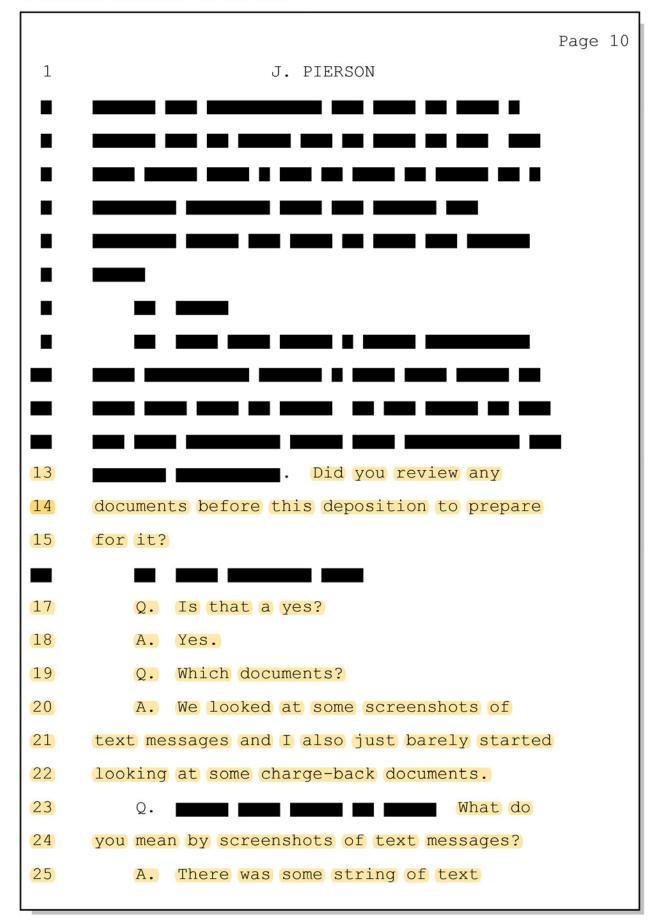




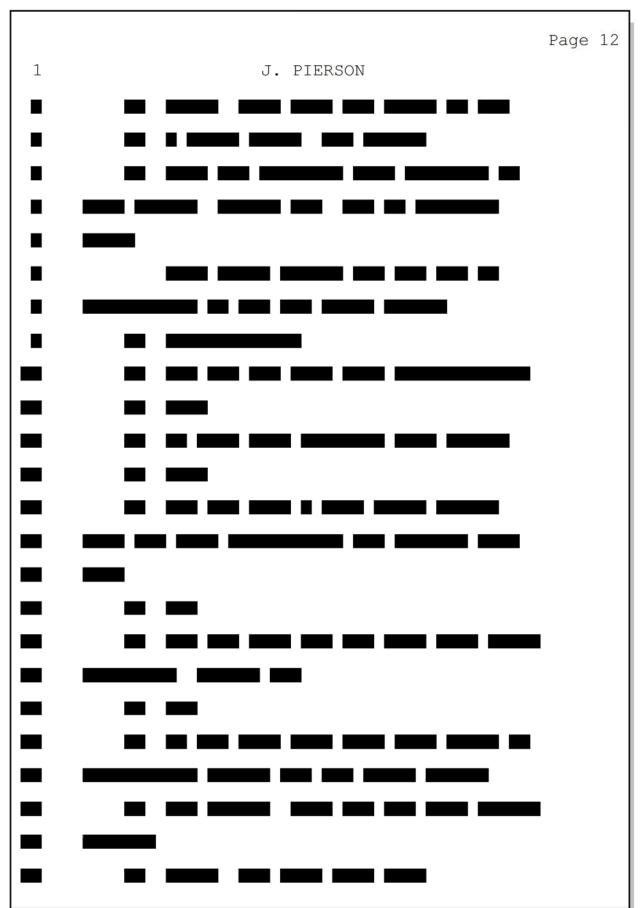


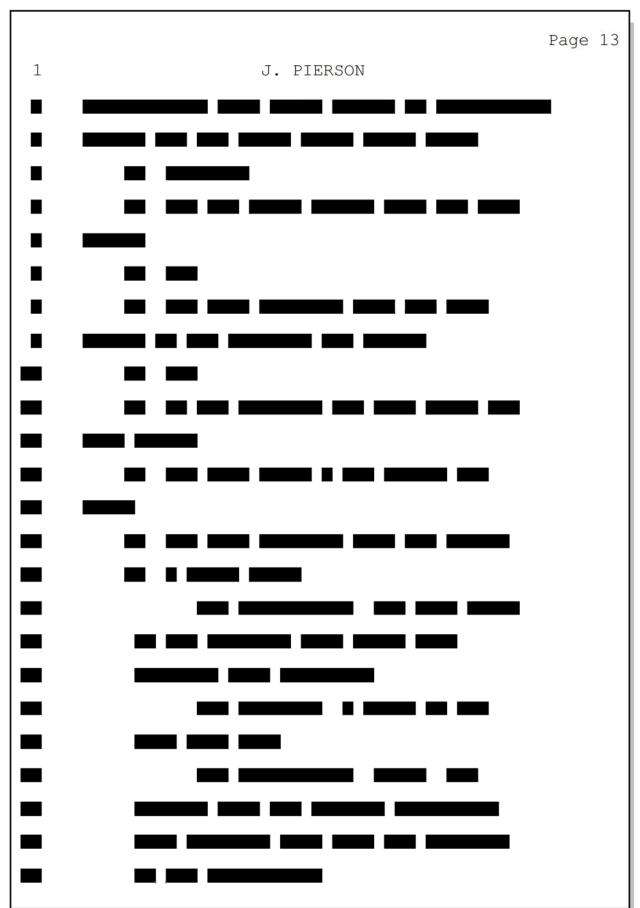


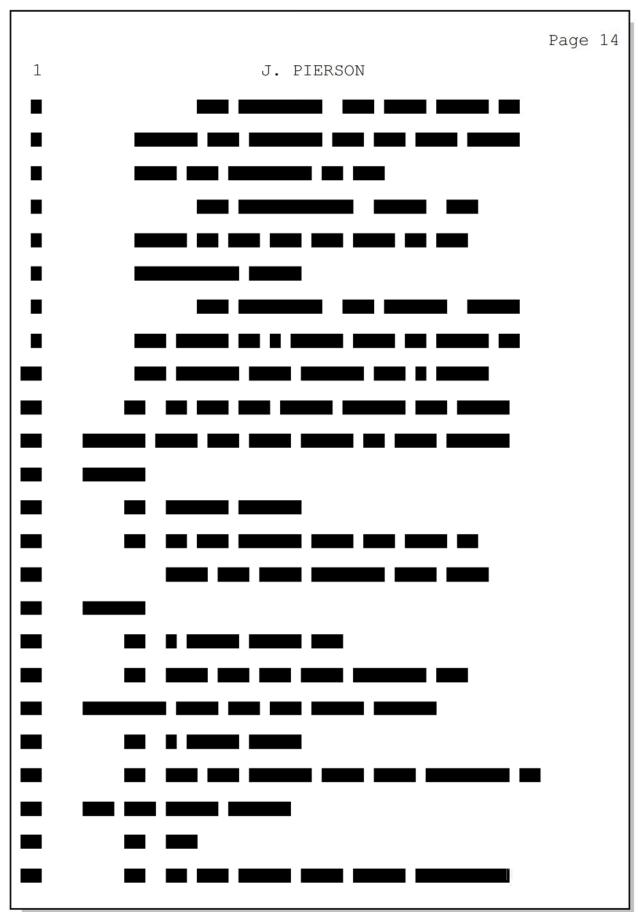


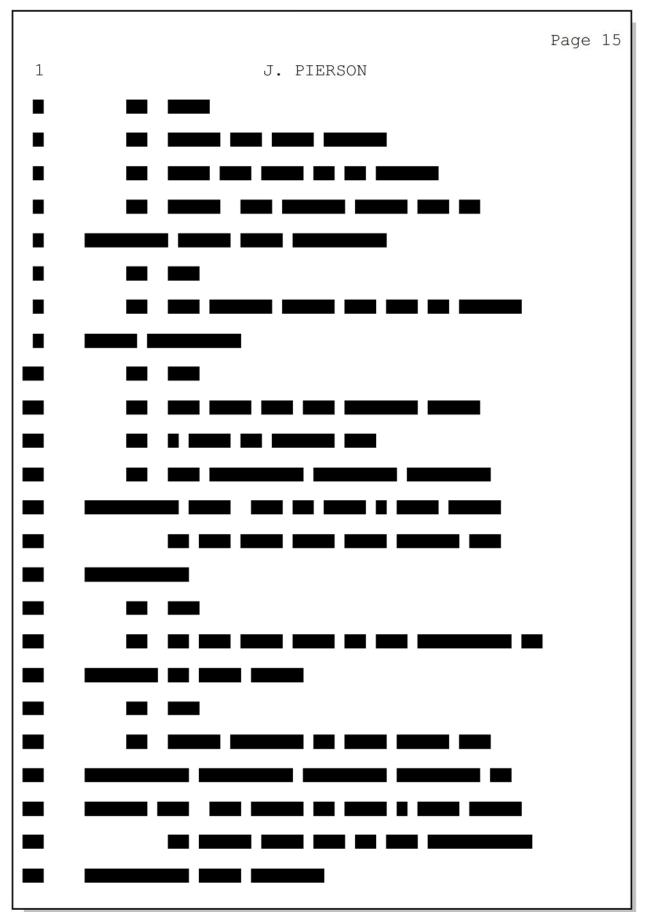


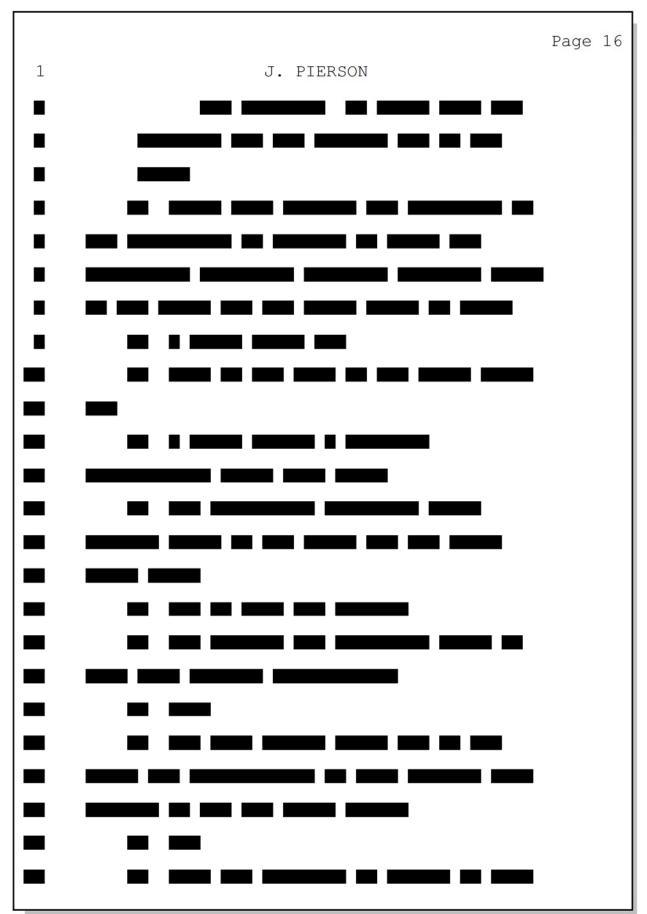
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Page 11
 1
                      J. PIERSON
2
     messages between, like, it was an RBT admin
3
     group.
         Q. Okay. Let me ask some further
4
5
     questions. What is the RBT admin group?
6
         A. A group text exchange.
         Q. Who is on the group text?
7
8
         A. I believe it was Lawrence, Cole,
9
     Kelly, myself. And then I just learned
10
     yesterday there was another person on there,
11
     who I'm not sure who it was.
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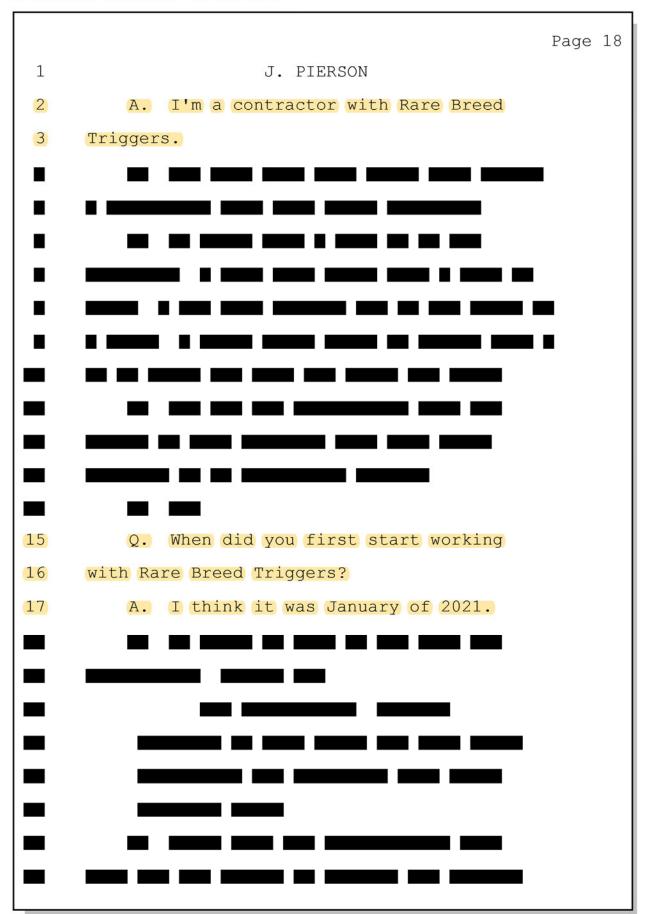


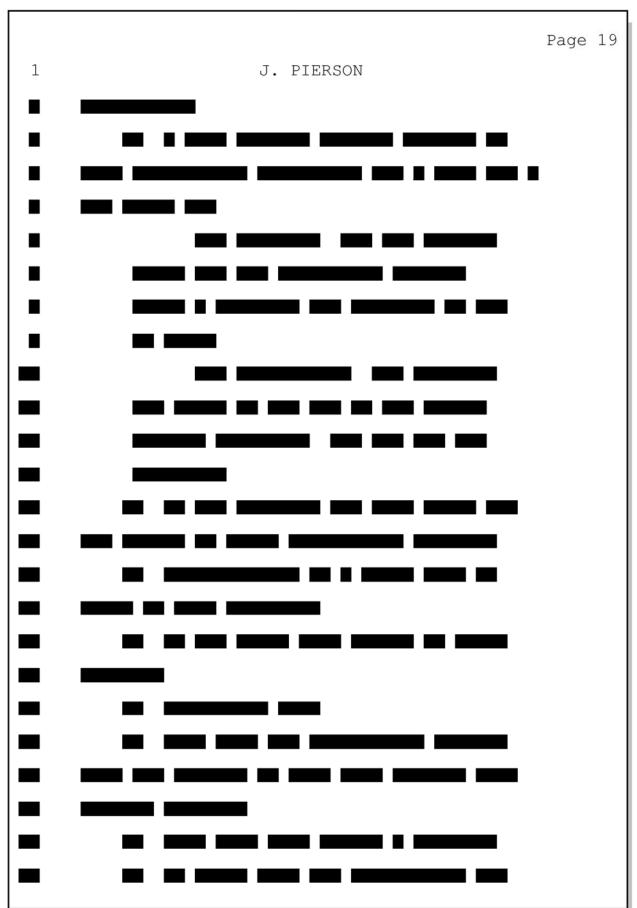


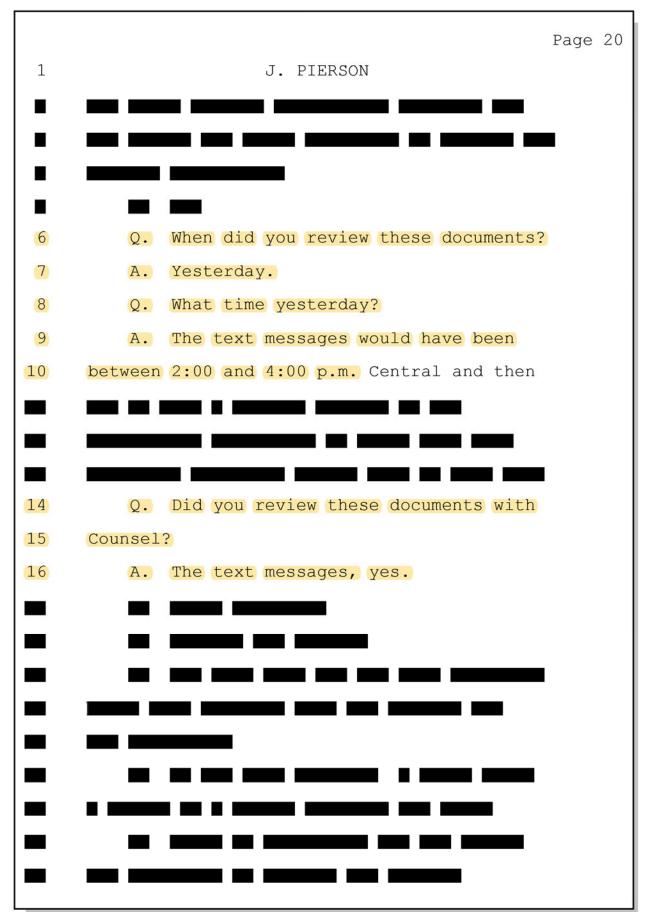


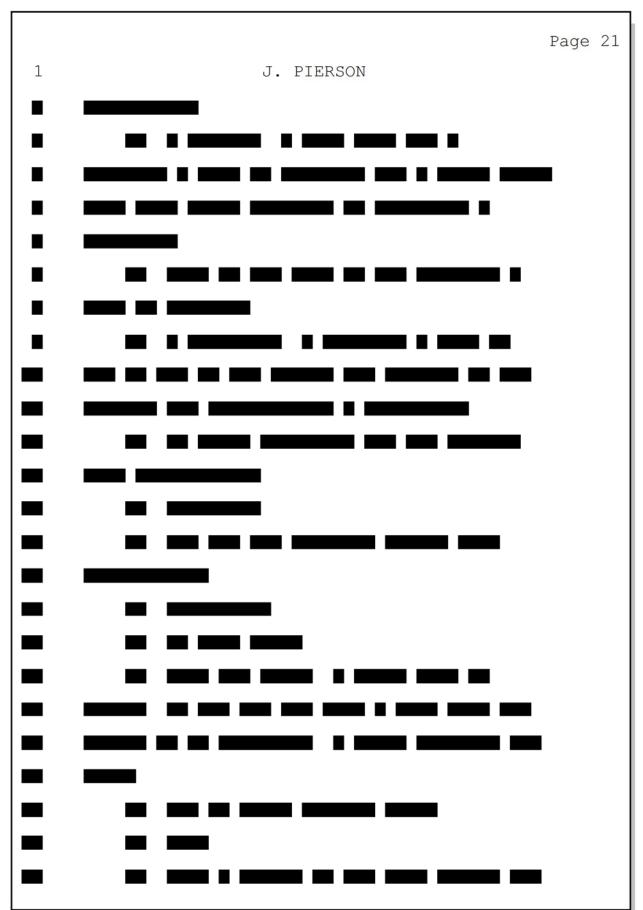


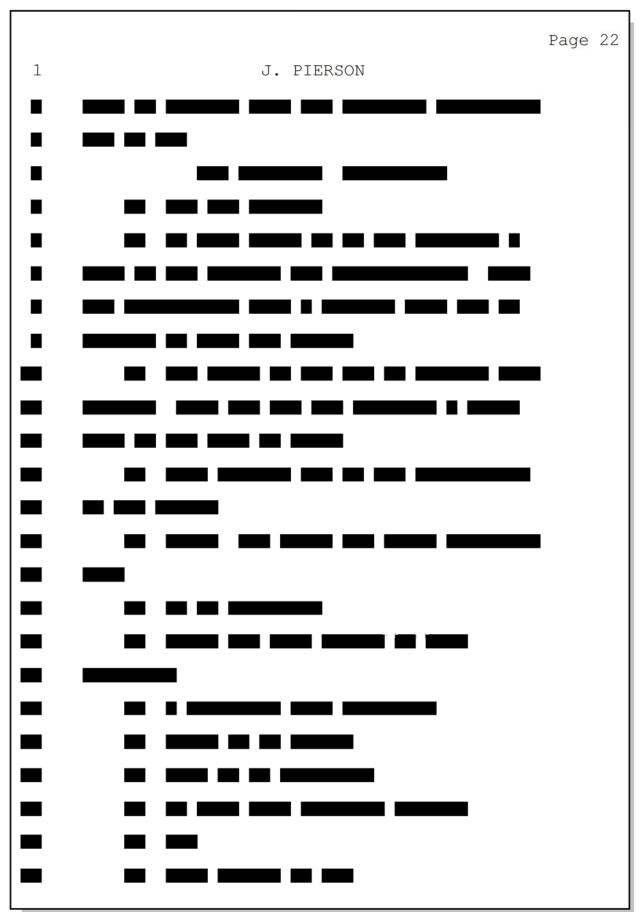
1	Page 17 J. PIERSON
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24 25	Q. Who employed you in connection with the Defendants here today?

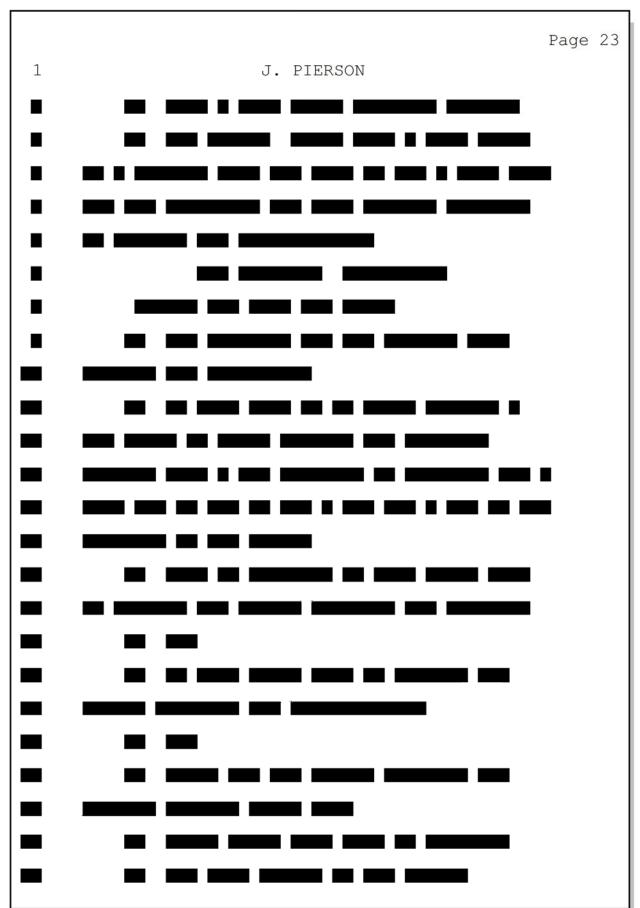


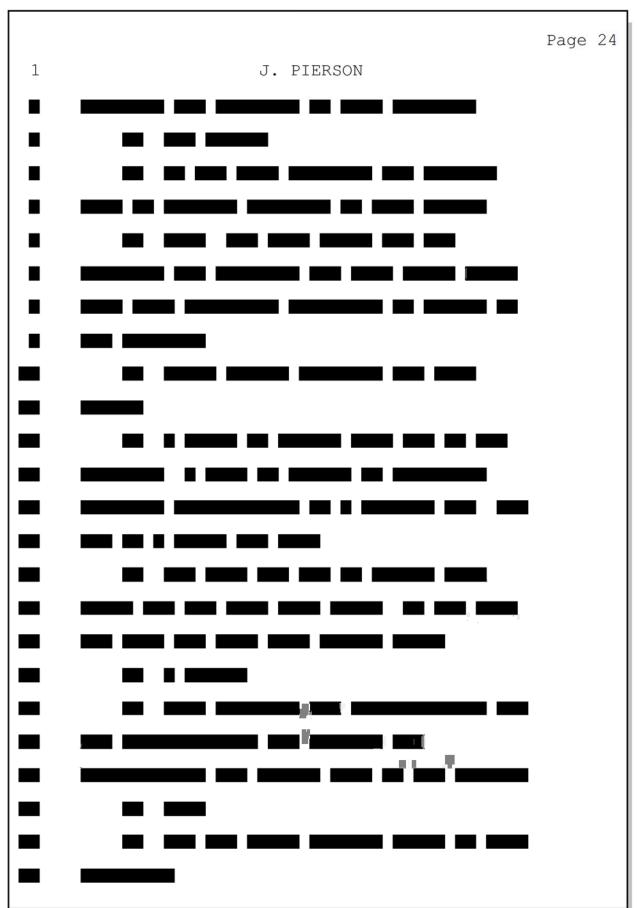




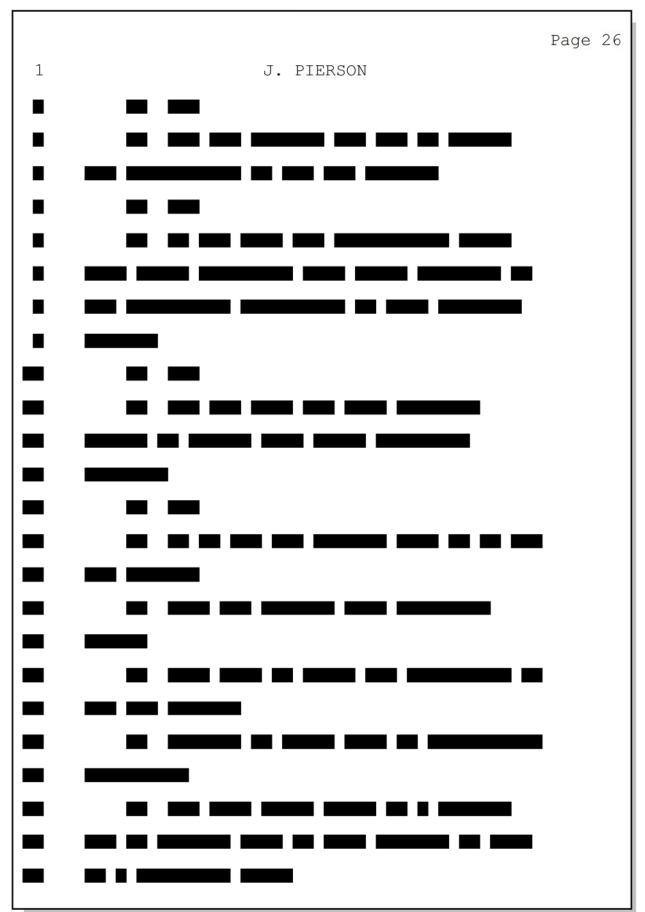


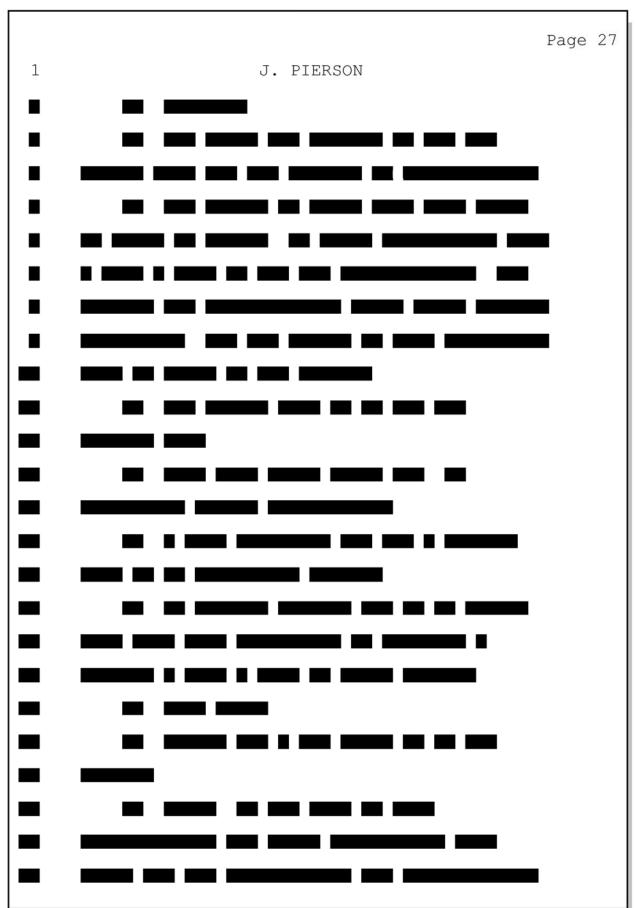


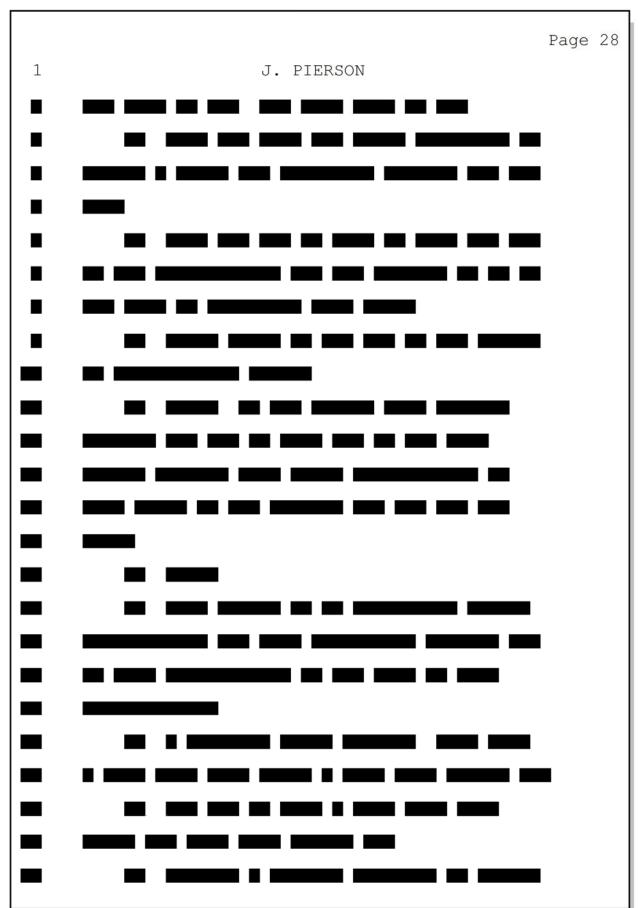


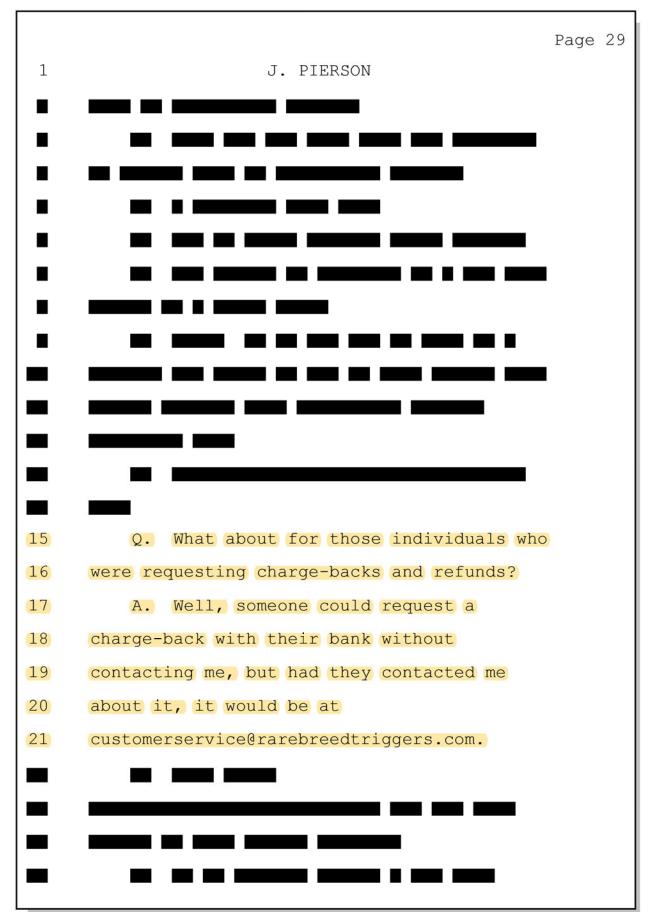


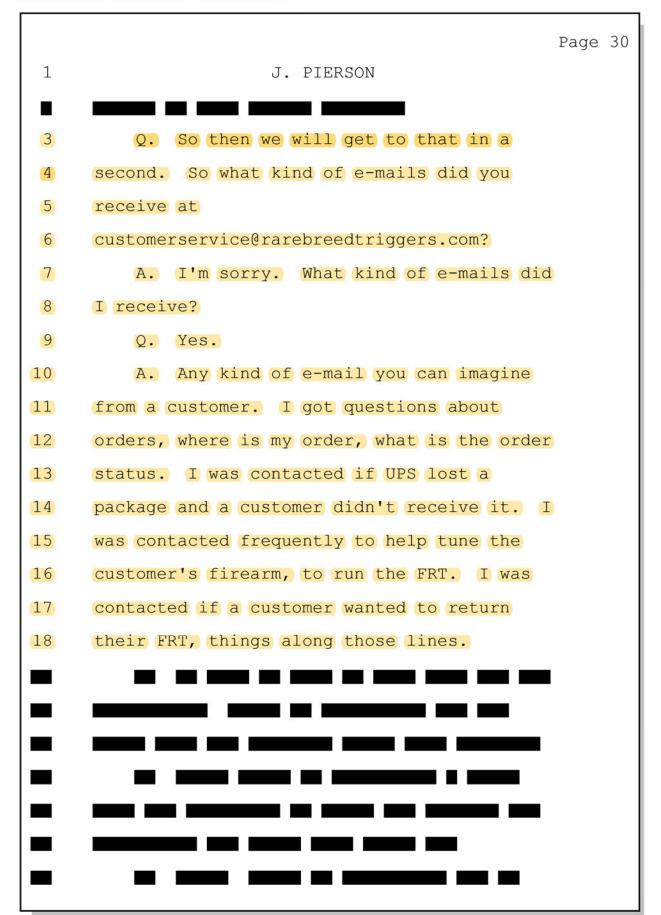
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1	J. PIERSON	
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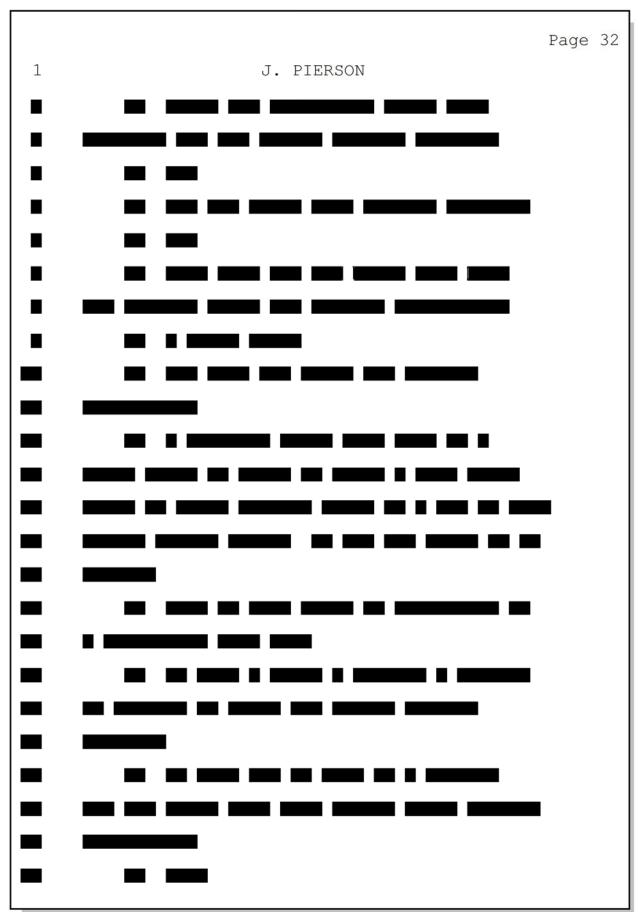


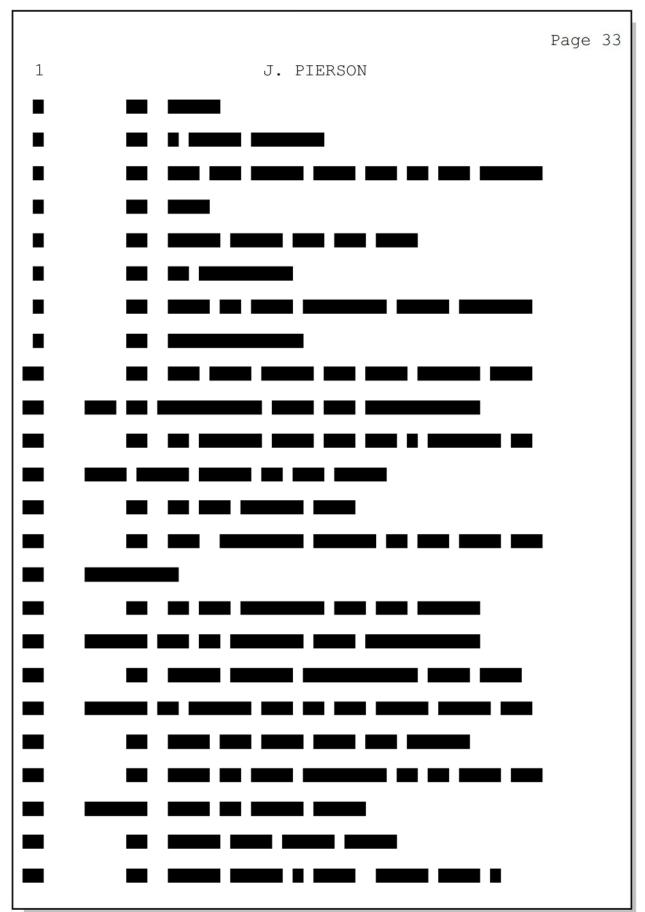


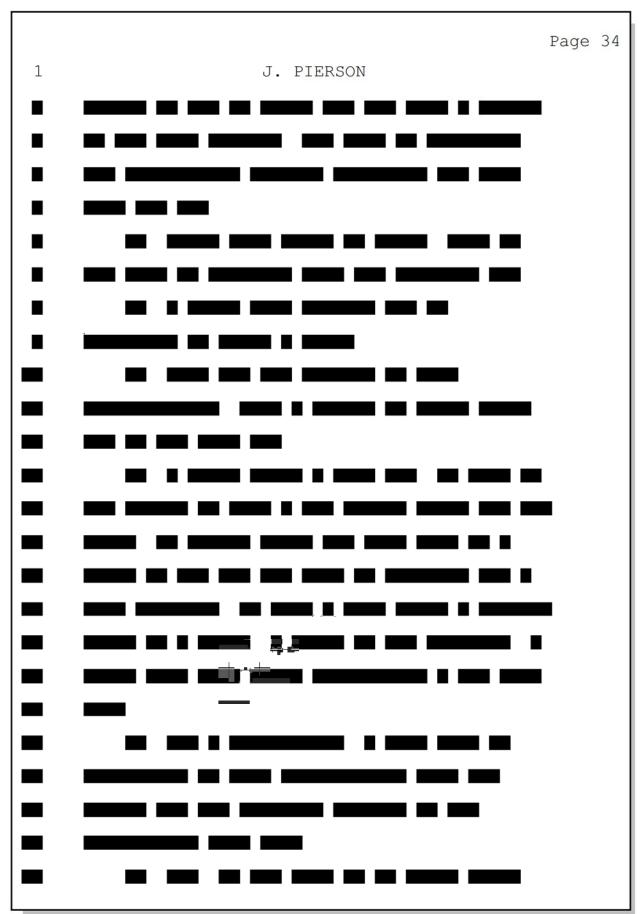


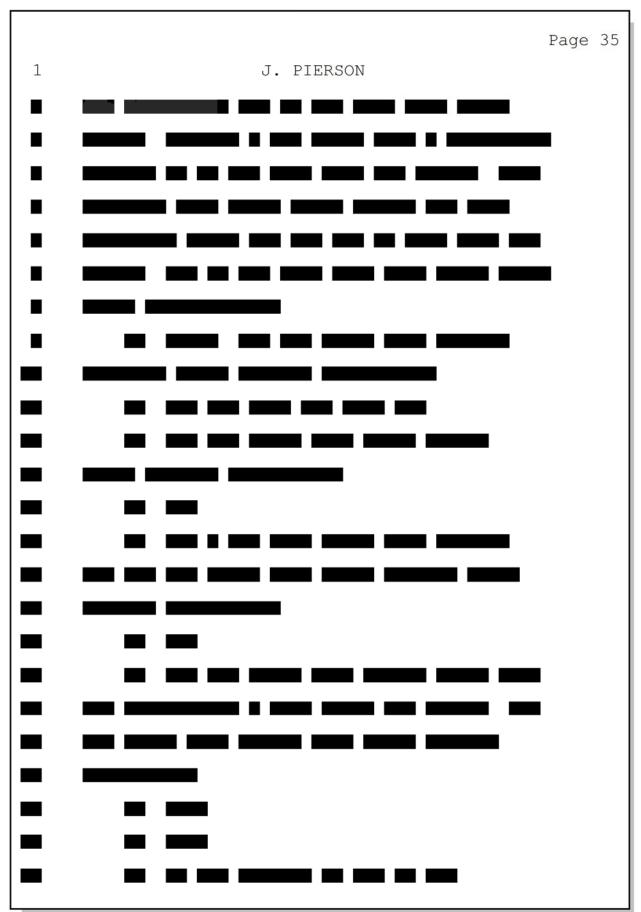


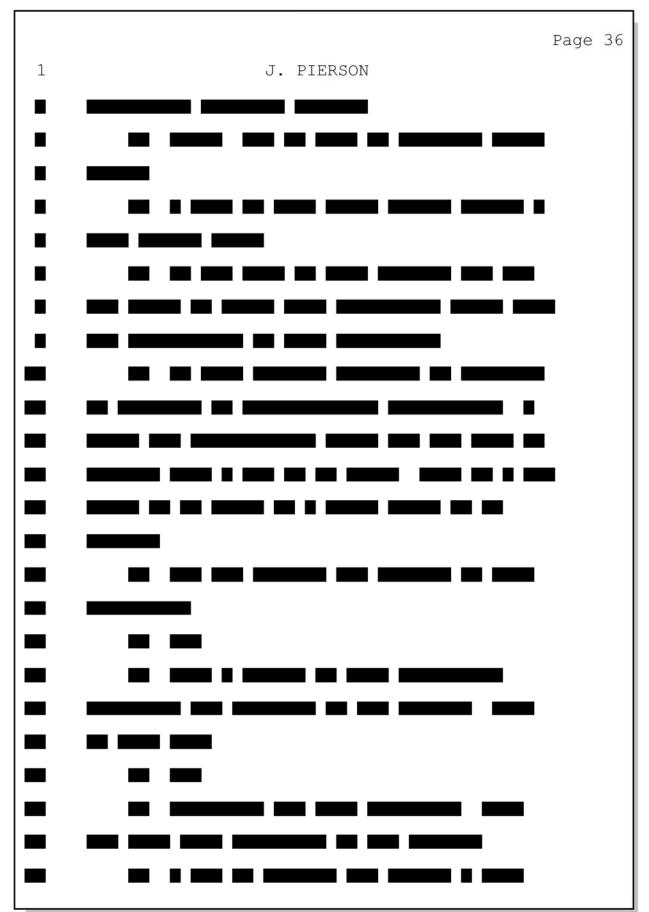
	Page	31
1 J. PIERSON		



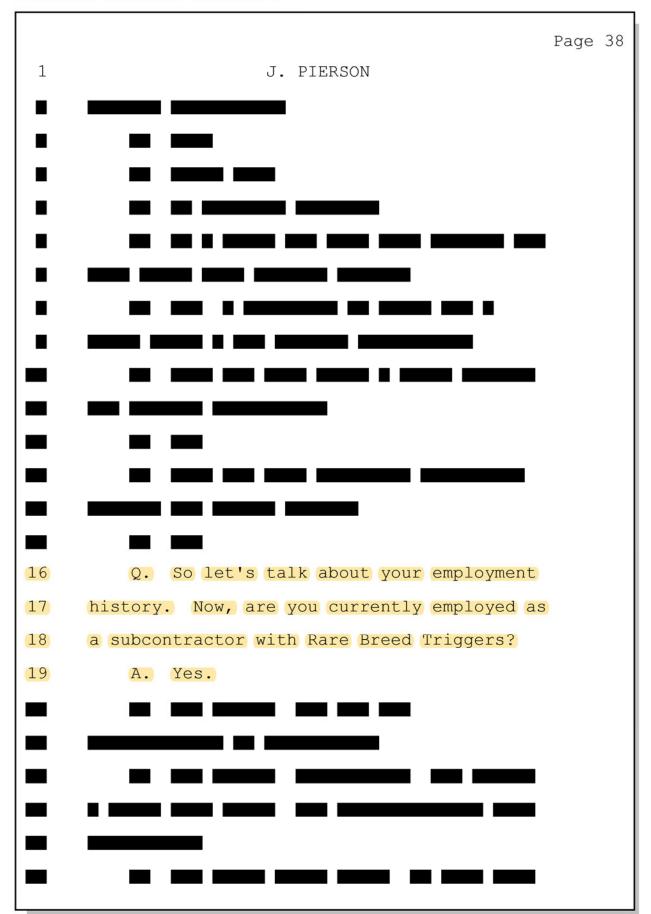


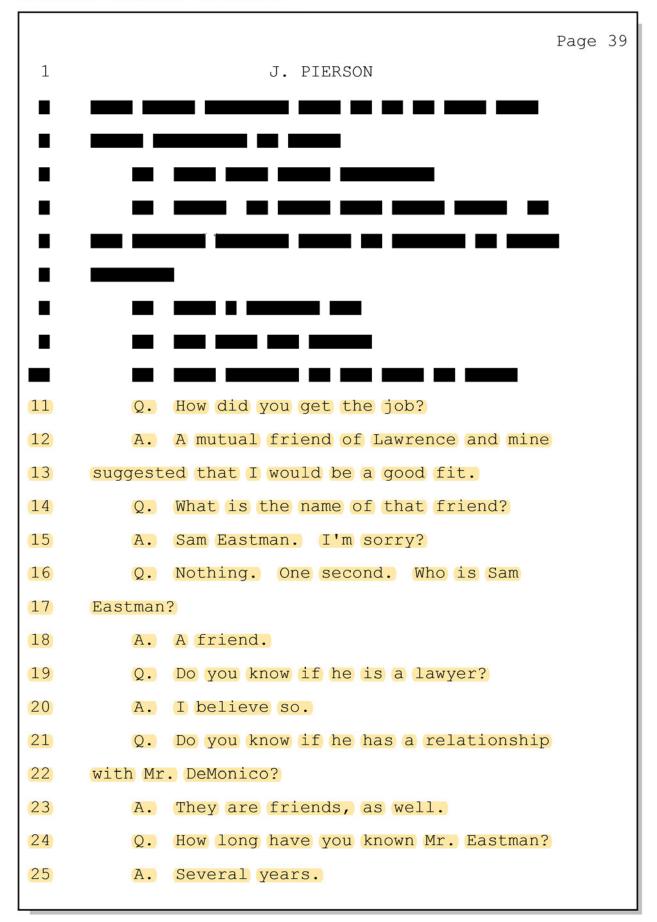


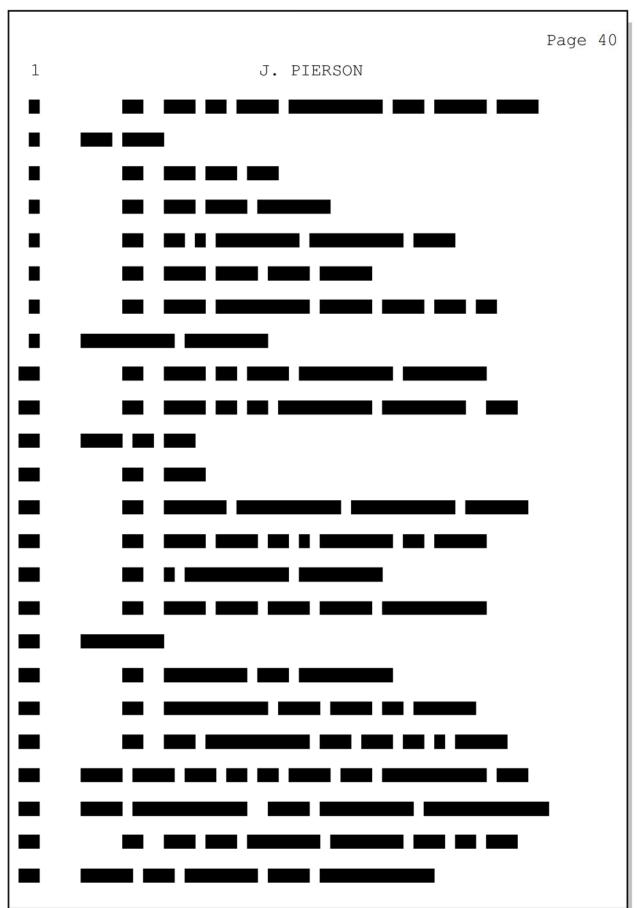




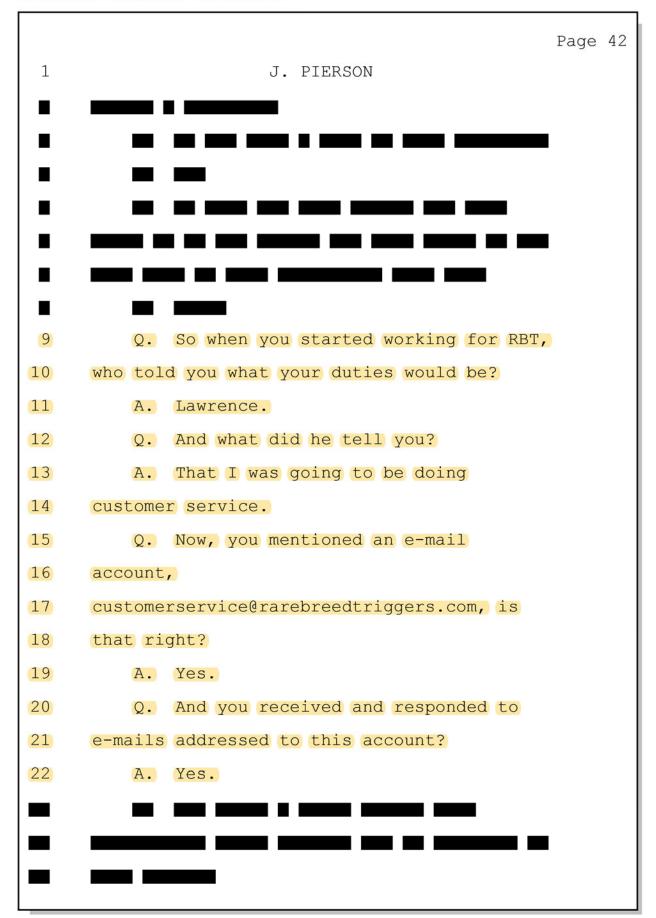
		Page	37
1	J. PIERSON		
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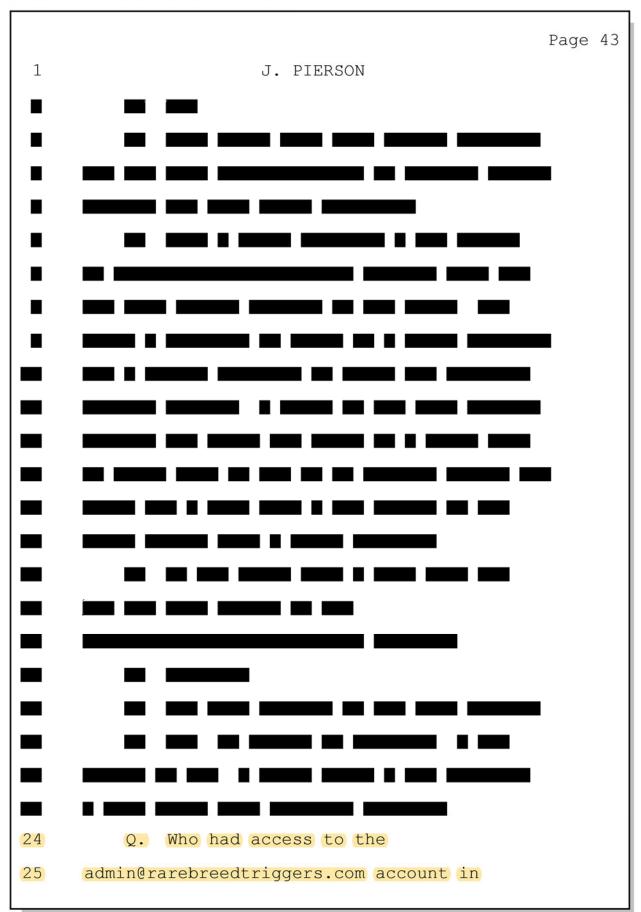






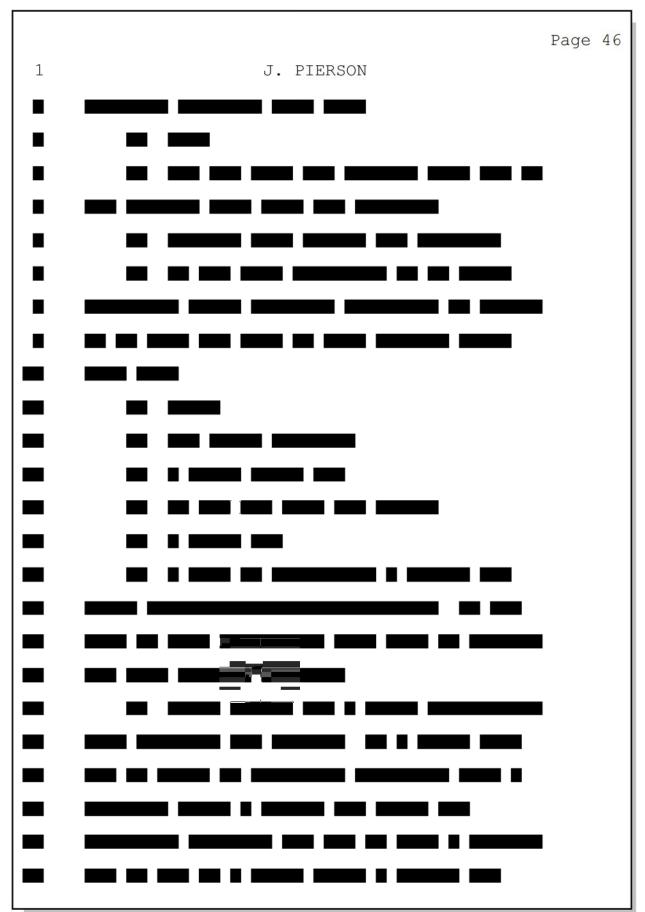
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1	J. PIERSON	
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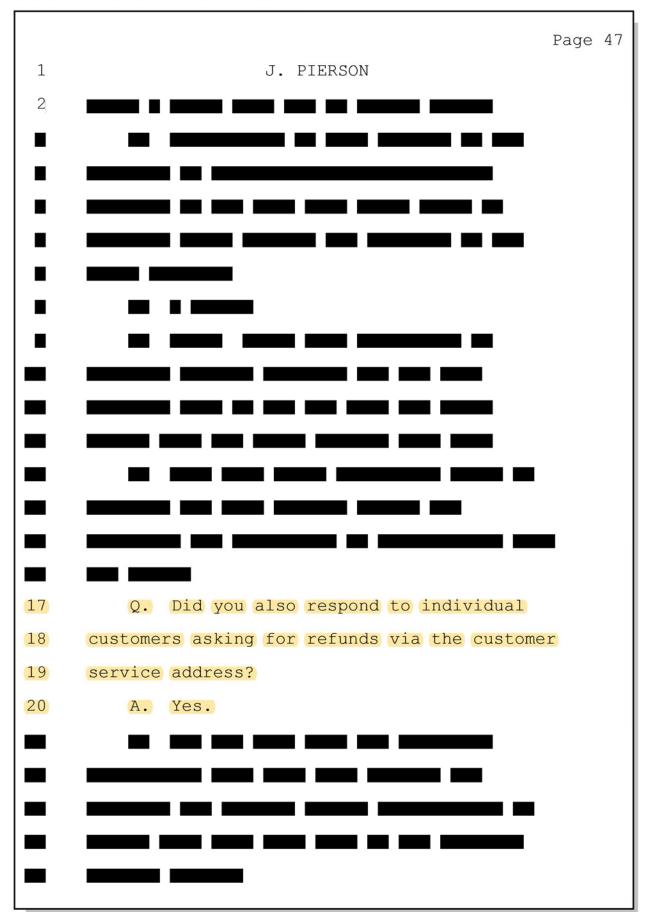


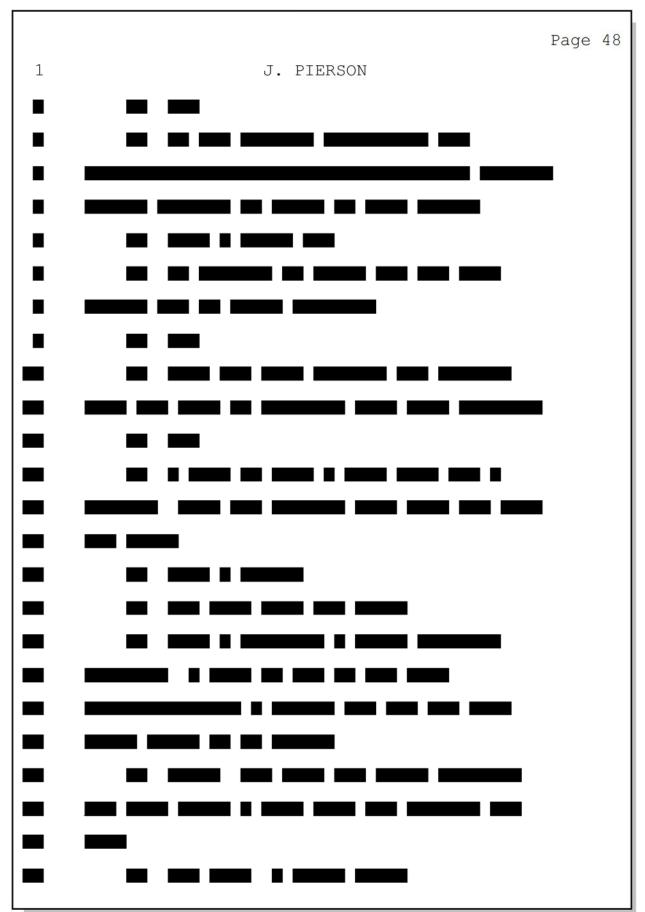


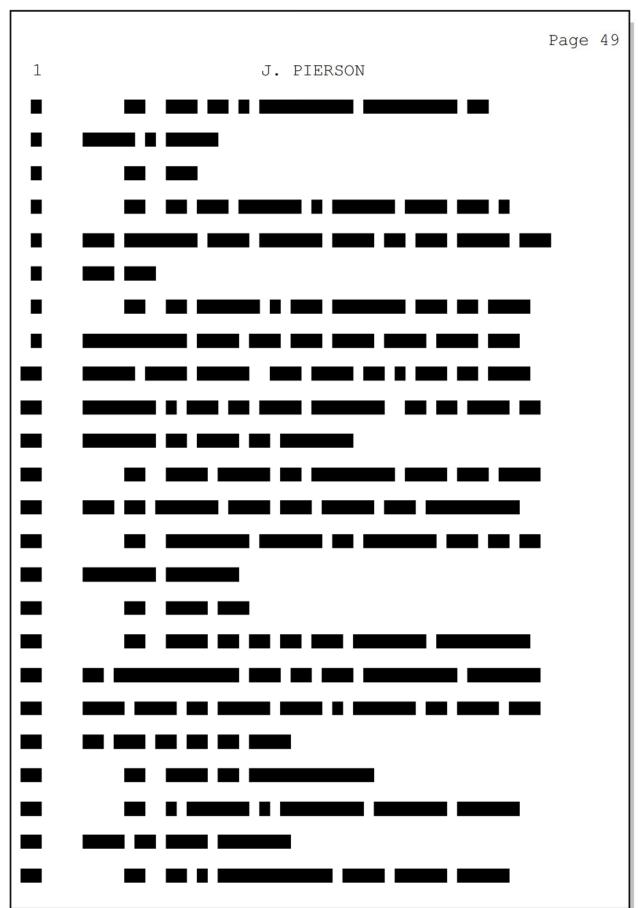
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Page 44
 1
                       J. PIERSON
2
     addition to you?
3
         A. Lawrence.
10
         Q. So who was checking the
11
     admin@rarebreedtriggers.com account?
12
         A. As far as I'm aware, only Lawrence.
         Q. Now, what is the difference between
20
21
     a customerservice@rarebreedtriggers.com and
     the admin@rarebreedtriggers.com account?
22
23
         A. Well, once we established the
24
     customer service account, it was any customer
     communication was to come through customer
25
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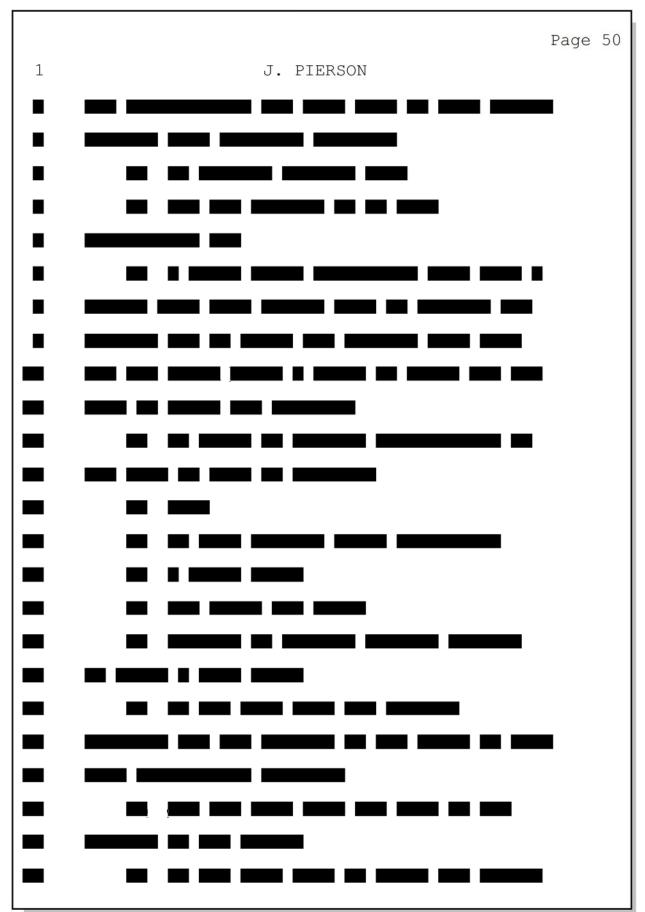
j	Page	45
1 J. PIERSON		
2 service.		
Q. And that included dealers?		
A. And that included dealers, yes.		
	ĺ	



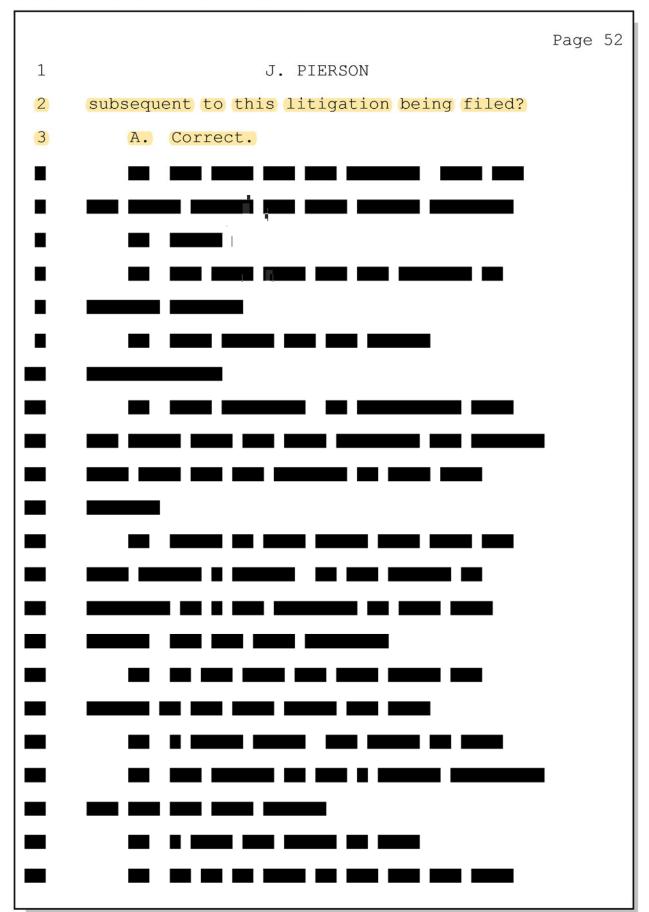


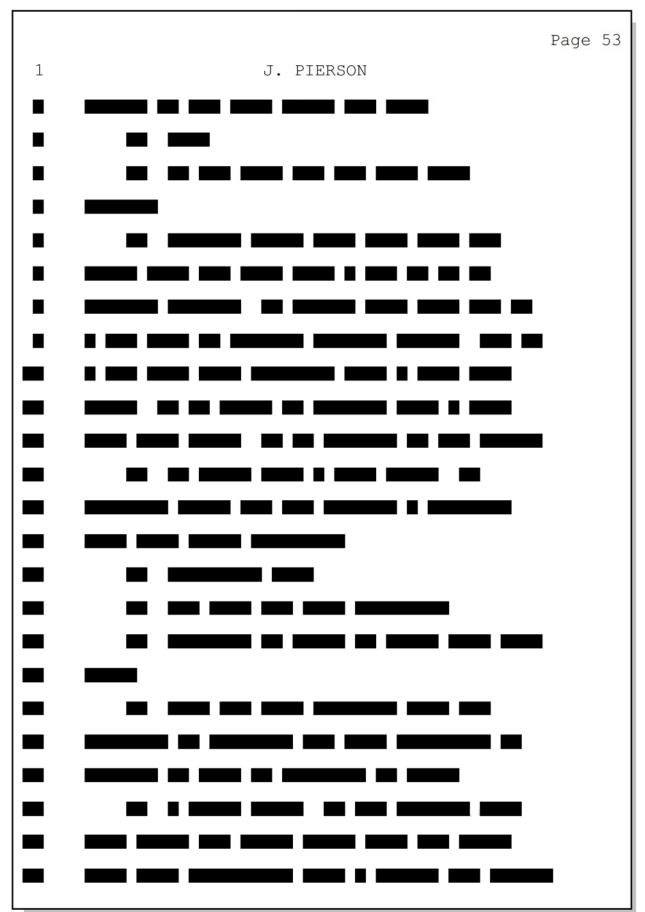


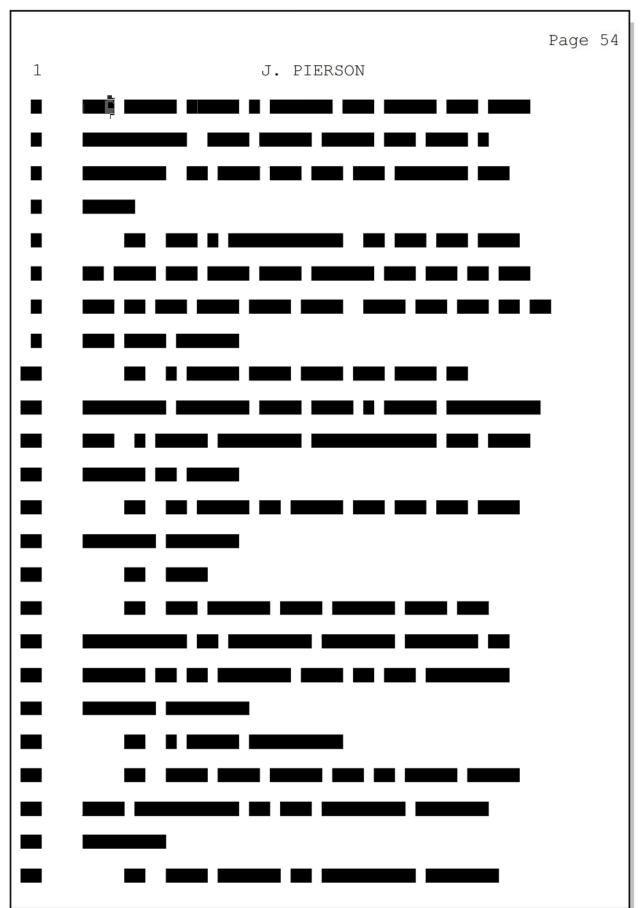


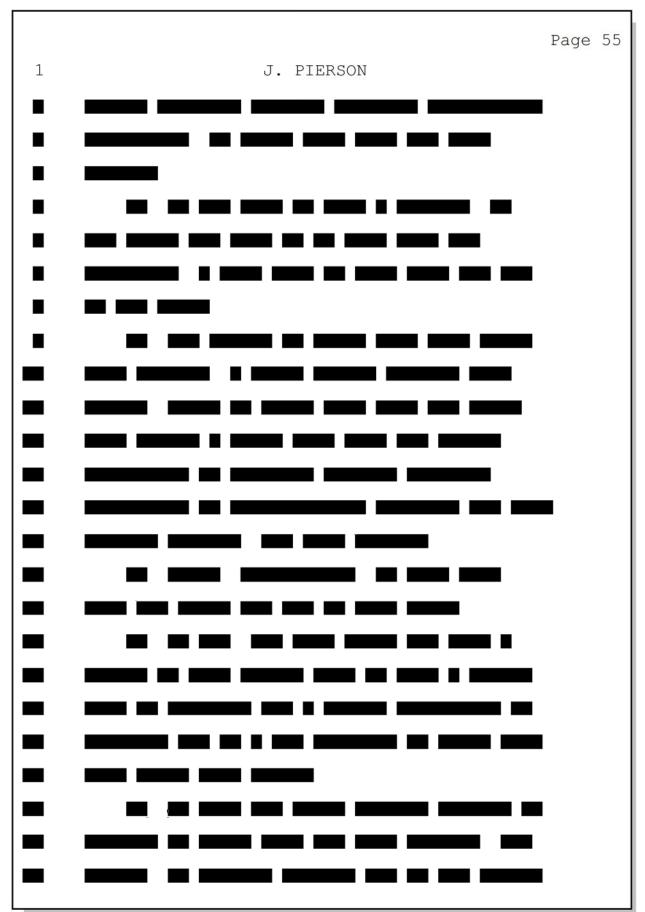


		Page 51
1	J. PIERSON	2000
_		
20	Q. When was the last time you received	
21	a paycheck for Rare Breed Triggers?	
22	A. This month.	
23	Q. I'm so sorry. I didn't hear.	
24	A. This month.	
25	Q. So you are still being paid monthly	ľ





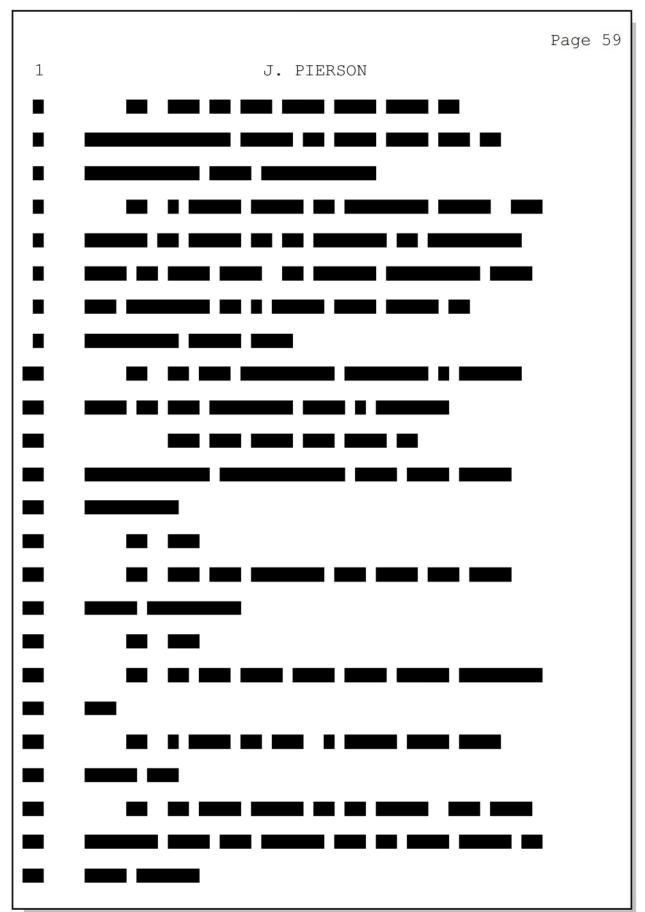


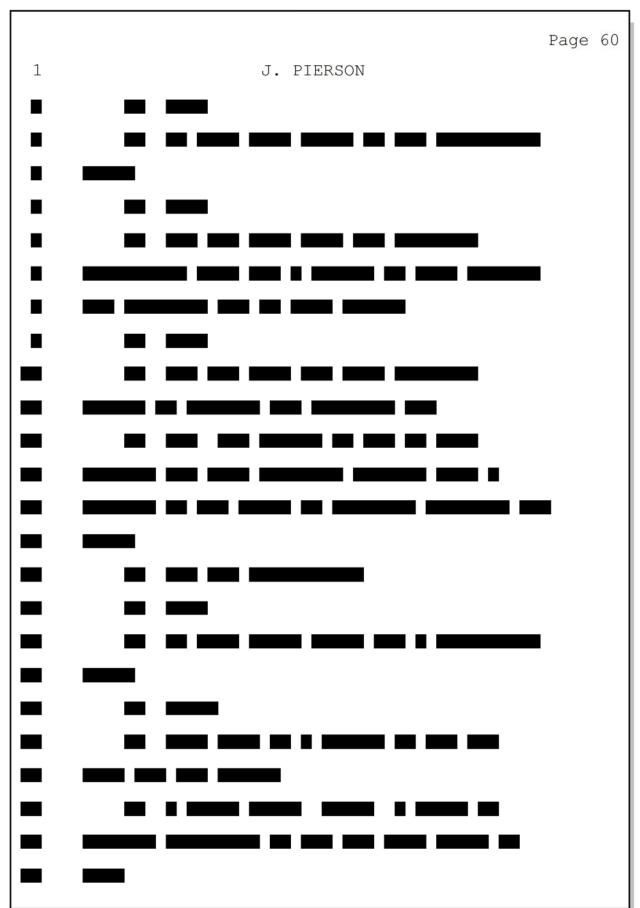


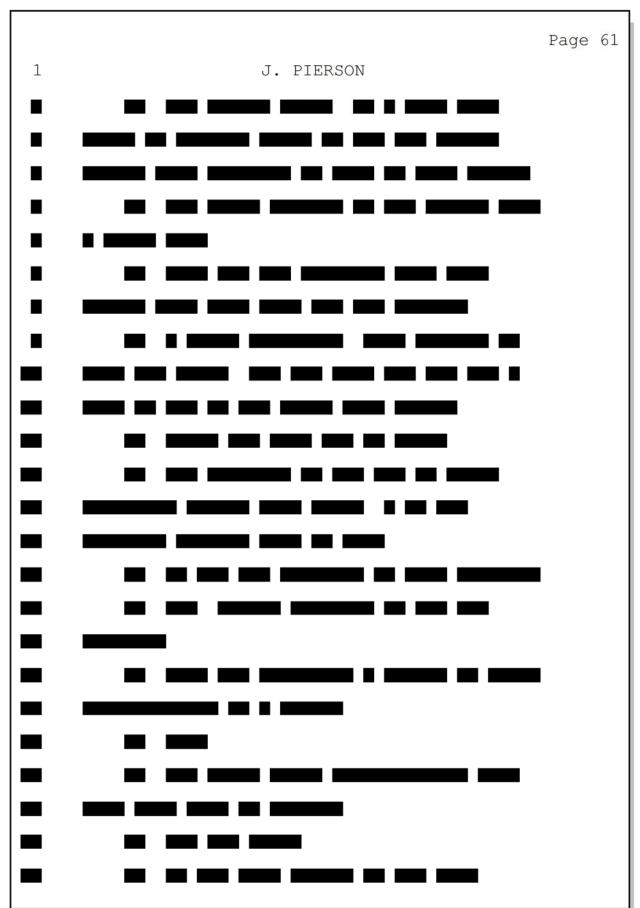
1	J. PIERSON	Page 56
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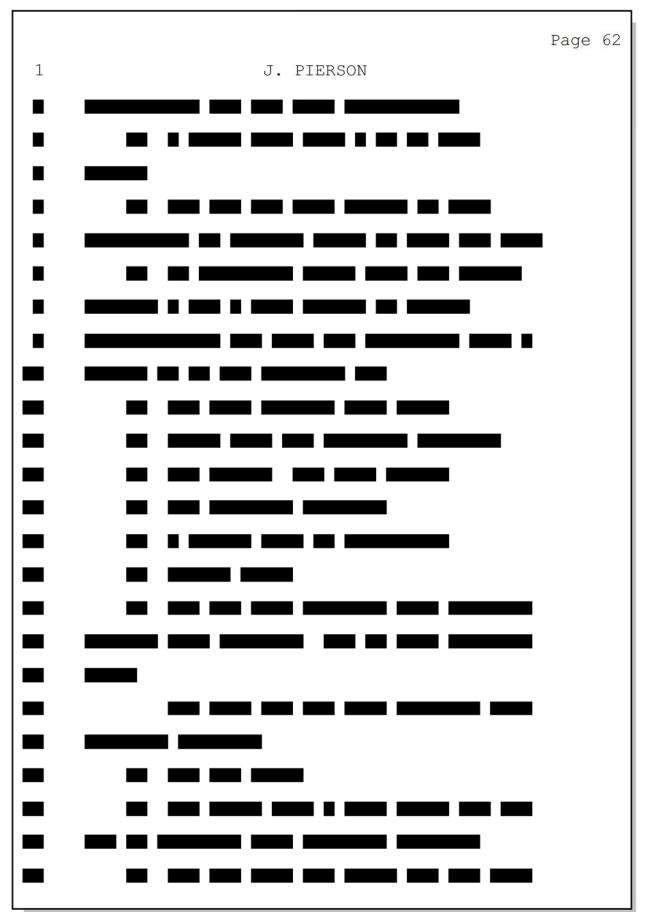
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1	J. PIERSON	
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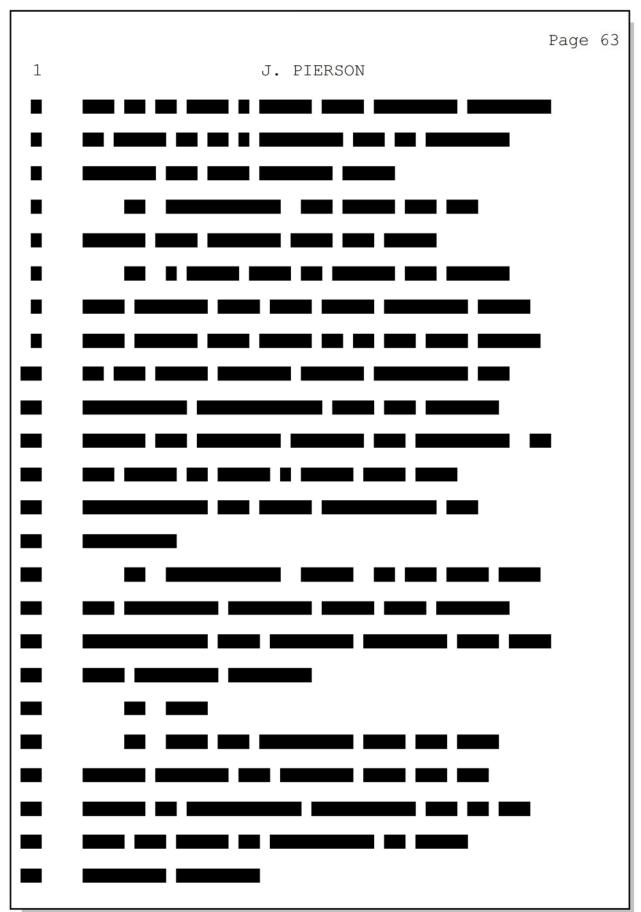
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Page 58
 1
                       J. PIERSON
14
             Did Rare Breed Triggers maintain a
     newsletter, an online a newsletter through
15
     their website?
16
         A. Yes. People could subscribe, yes.
17
18
     I don't know that I would call it -- I don't
19
     know that I would say that we maintained a
20
     newsletter, but that was an option.
21
         Q. And can you describe, what is that
22
     option? What is a subscription?
23
         A. So someone can go in and put their
24
      e-mail address on our website and, basically,
      agree to receive communications from us.
25
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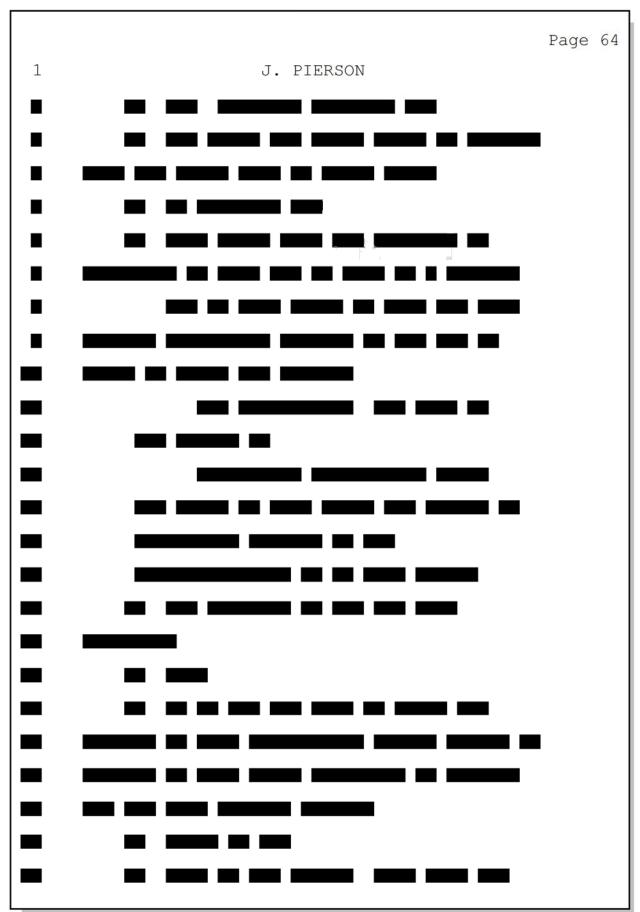


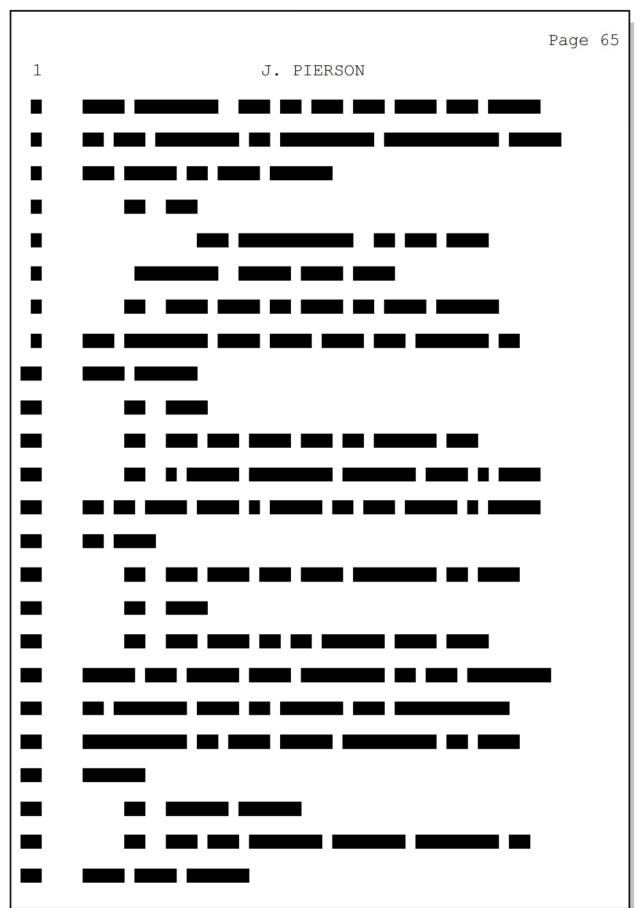


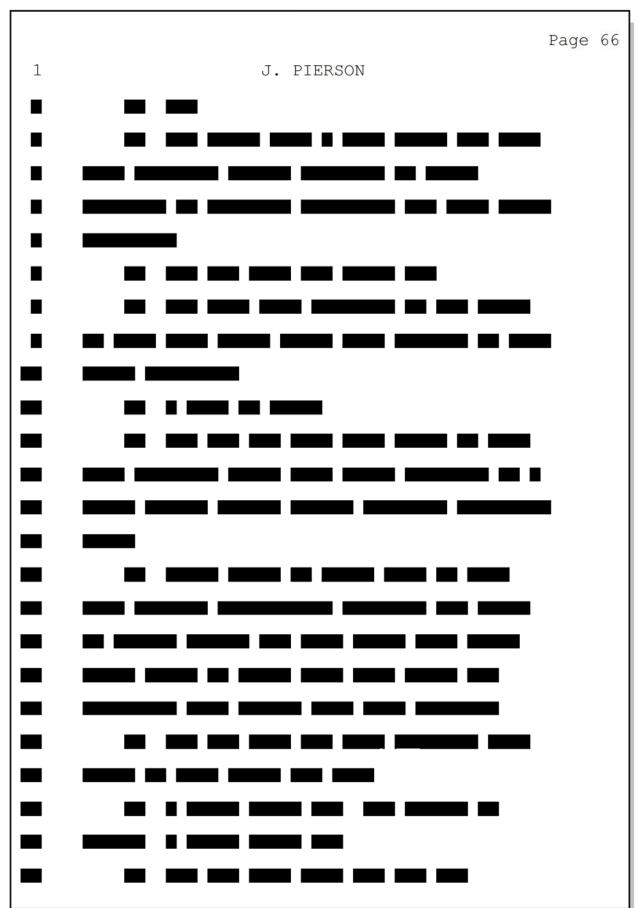


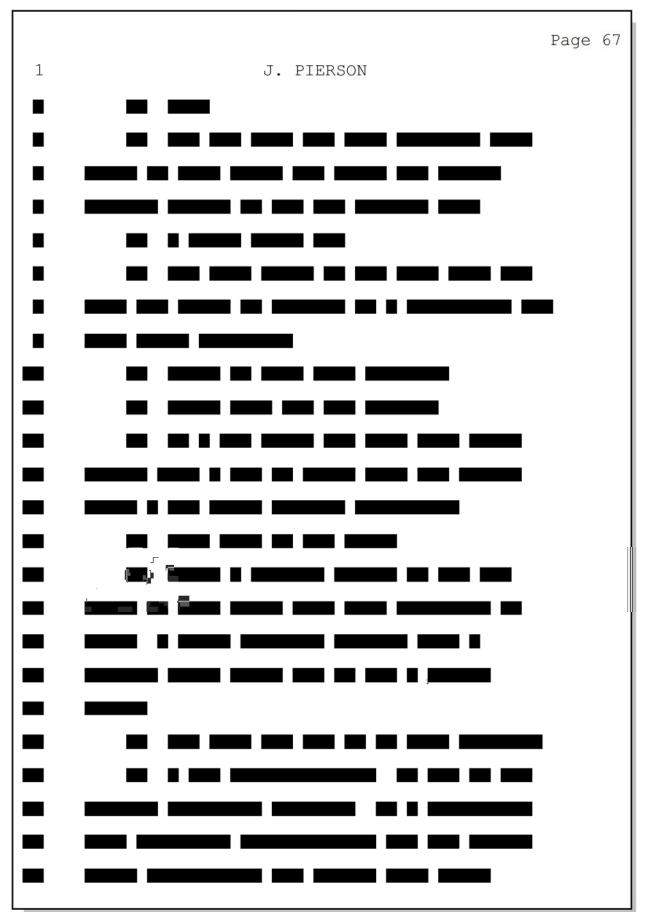


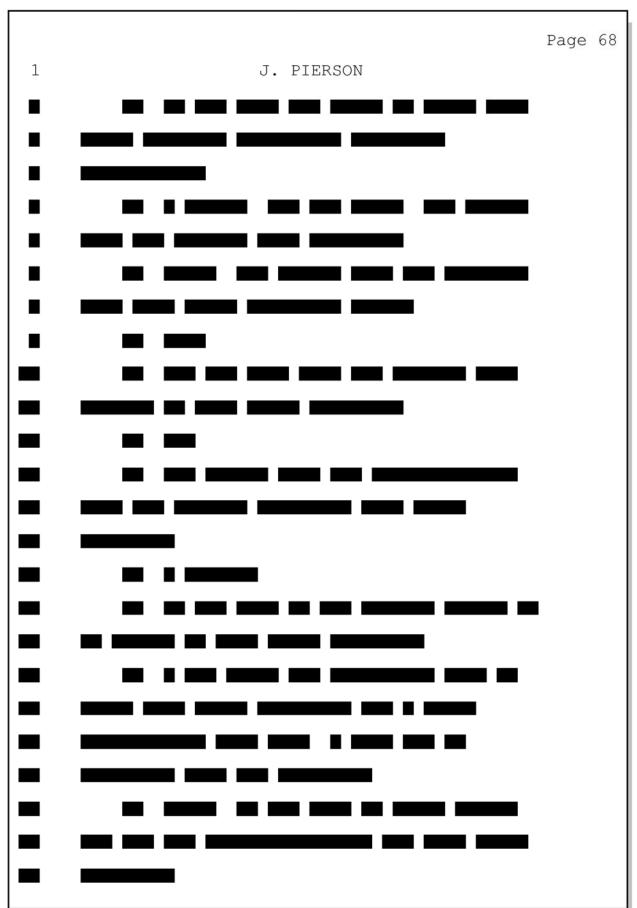


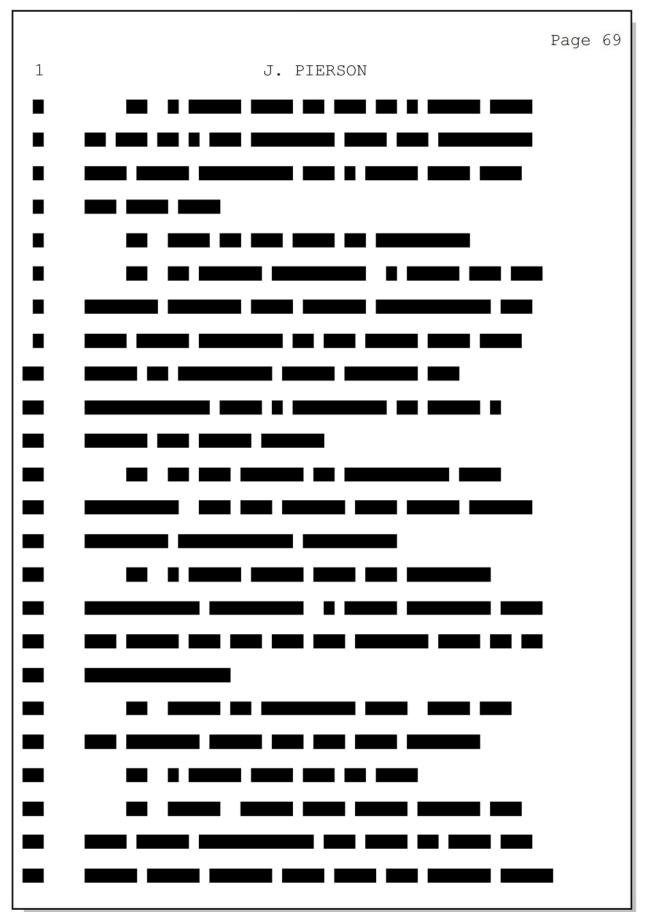


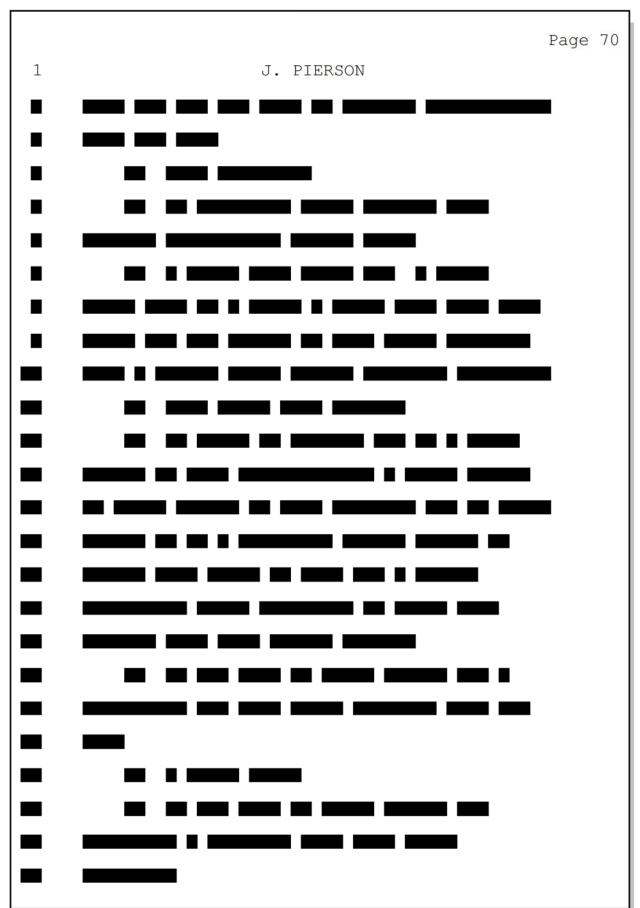




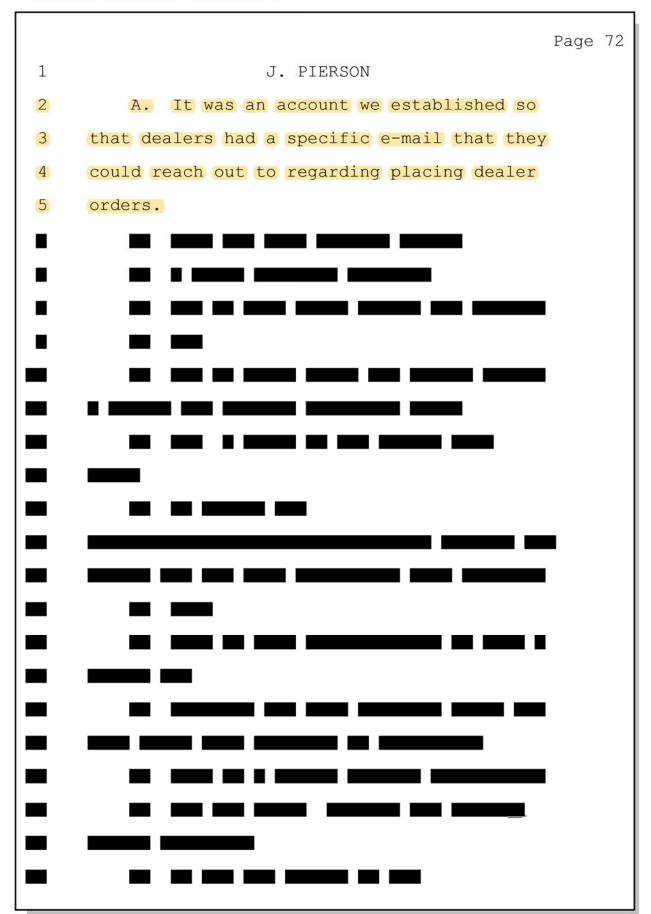


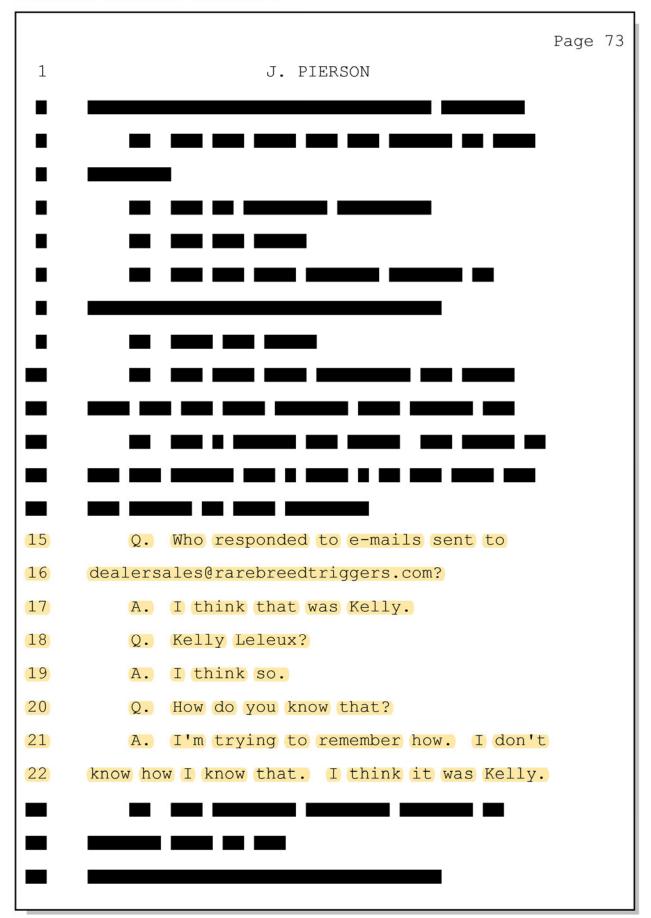


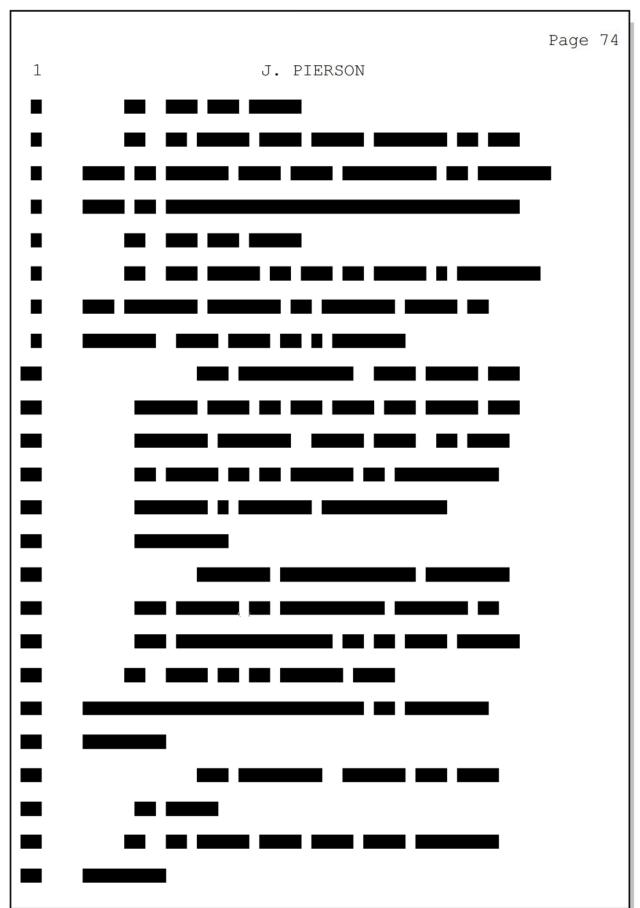




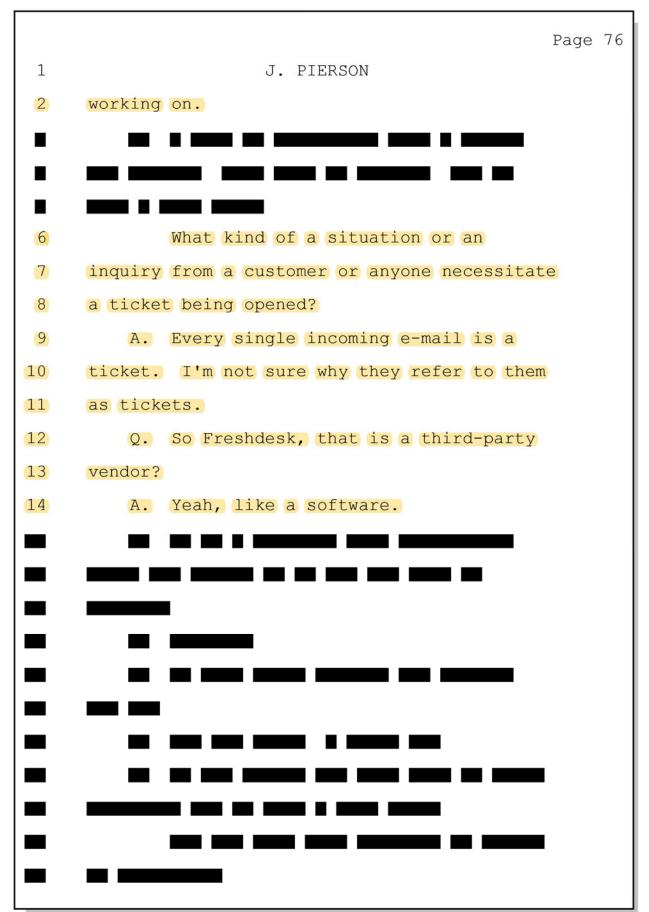
		Page 71
1	J. PIERSON	
		•
		•
22	Q. I'm going to ask you about another	
23	e-mail account for Rare Breed Triggers, and	
24		
	that is dealersales@rarebreedtriggers.com,	
25	what is that account?	

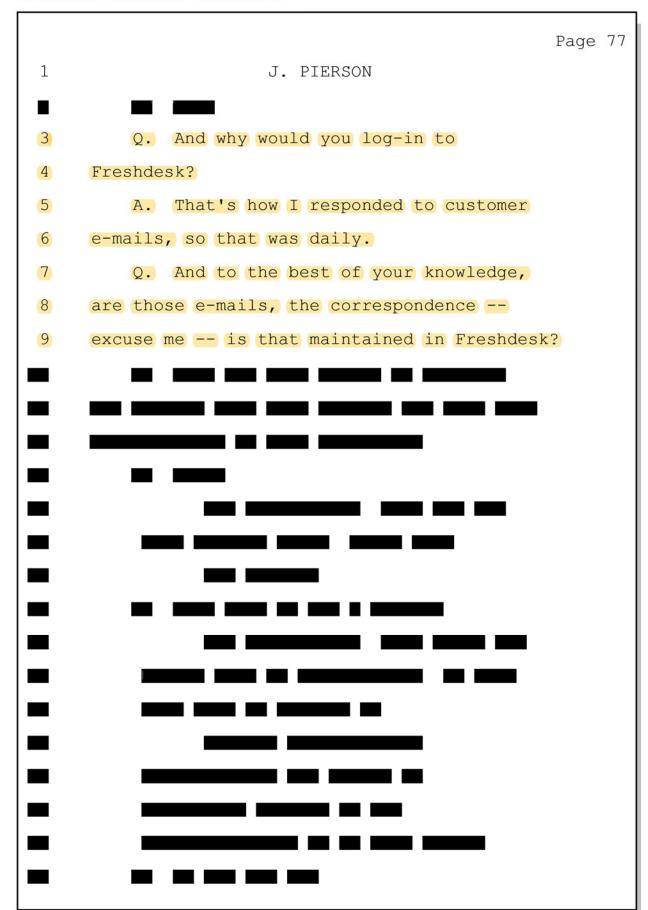






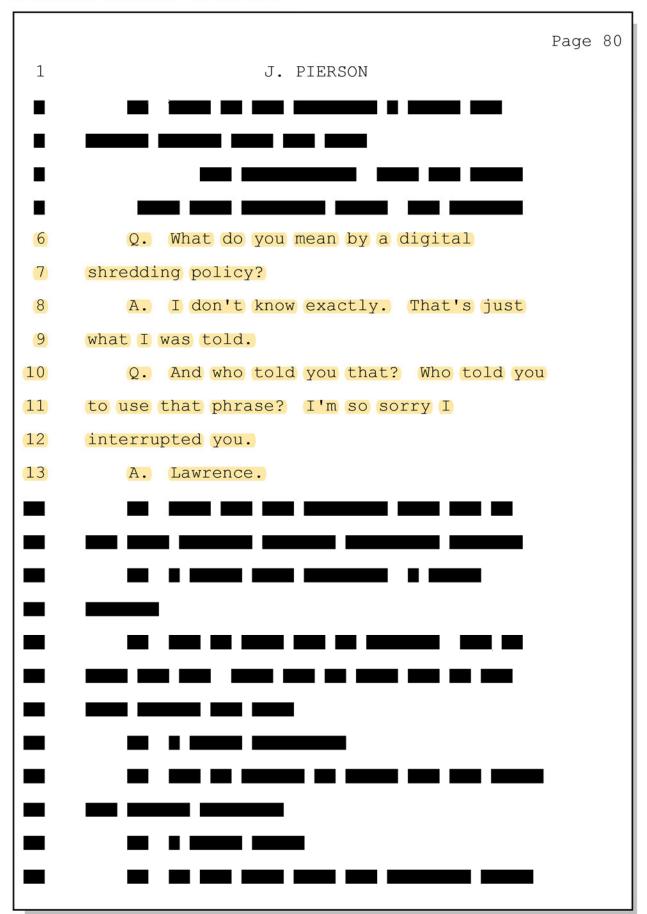
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Page 75
 1
                      J. PIERSON
7
         Q. The only question I have is, can you
8
     tell me what that ticket comment means,
9
     ticket #29599? Do you know?
10
         A. So that's when an e-mail is
11
     converted into a ticket for me to be able to
12
     track and then be able to close it out when
     I've responded and done dealing with that
13
14
     specific e-mail chain.
15
         Q. Okay. Understood. And these
16
     tickets, where are they maintained or are
17
     they maintained?
18
         A. Through Freshdesk.
         Q. Freshdesk? What is Freshdesk?
19
20
         A. It's a system specifically to help
21
     track and close out, like, e-mails. An
22
     organizational system for e-mails so that you
23
     can -- once you are finished dealing with
24
     that issue, I can close it out. It's just a
25
     way for me to keep track of e-mails I am
```

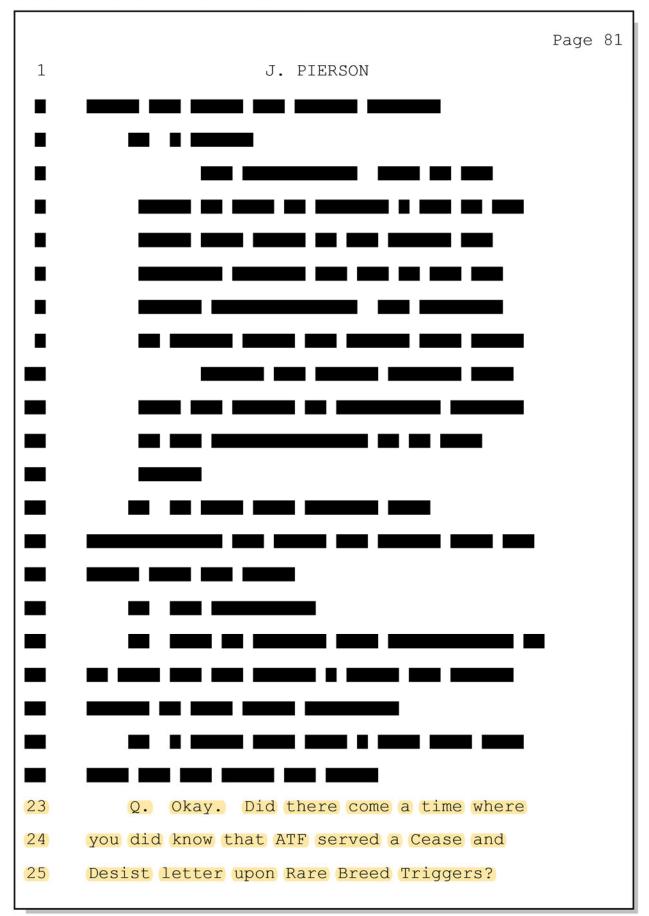


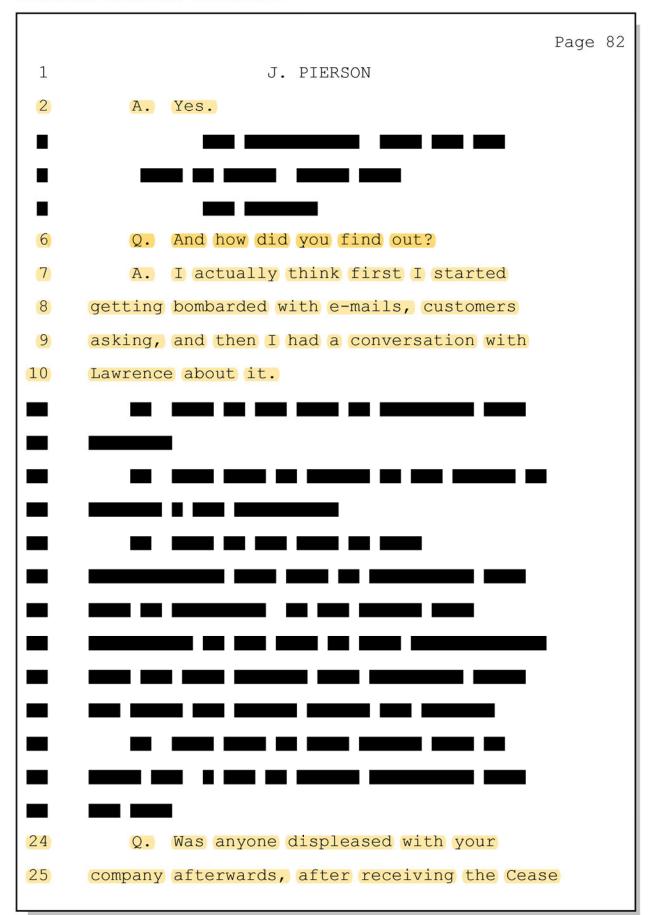


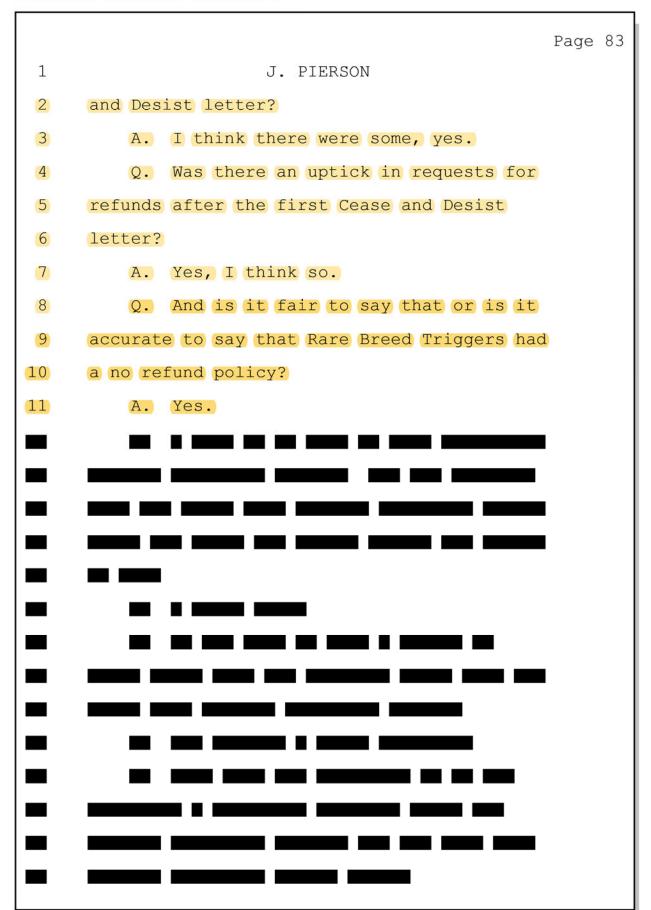
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Page 78
 1
                      J. PIERSON
3
                MS. STAMATELOS: So this is
          Government Exhibit C, it bears
4
5
          Bates-stamped numbers RTF 0009751 and
6
          it goes to 9752. Amy, could you
7
          please scroll down? (So doing.)
8
         Q. So this is another e-mail from
9
     customer service to
10
     admin@rarebreedtriggers.com sent September
11
     12, 2022. I just want to scroll down to the
12
     e-mail where it says: "On Monday, September
     12, 2022, 11:29 AM Customer Service." It's
13
14
     in the middle of the first page. Do you see
15
     that?
16
         A. (No response.)
         Q. Do you see the language: "I'm sorry
17
18
     for the delayed response. We have not turned
19
     over a customer list to the ATF -- we don't
20
     even have one to turn over, as we have a
21
     digital shredding policy." And then Jen, is
22
     that you?
23
         A. Yes.
24
         Q. Now, I want to scroll down to the
25
     August 23, 2022, 11:21 AM Customer Service
```

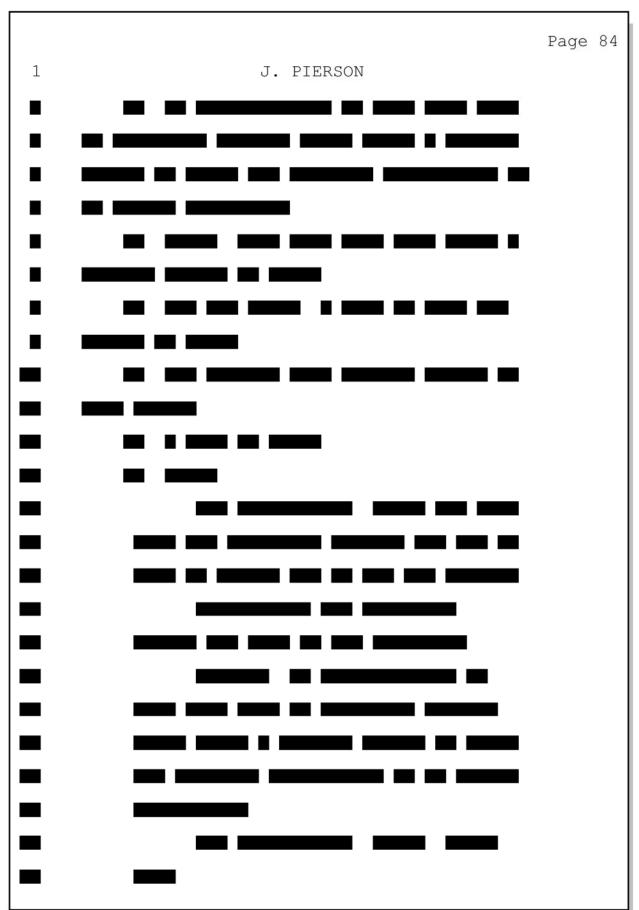
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Page 79
 1
                      J. PIERSON
 2
     e-mail, and that is a paragraph that begins
     with: "Our position is that the FRT-15 is a
3
4
     fully legal semi-automatic," et cetera. And
5
     then it ends with: So we filed a new lawsuit
6
     against the ATF, which is currently in
7
     litigation." Now, I have one question in
8
     regard to this paragraph. Who came up with
9
     this paragraph?
10
         A. I think I would have gotten the
11
     information from Lawrence.
12
         Q. So Lawrence drafted this paragraph?
     To the best of your understanding,
13
14
     Mr. DeMonico drafted this paragraph and gave
15
     it to you?
16
         A. I think so.
         Q. And what instructions did he give?
17
18
     Did he give you any instructions on how to
     use this paragraph?
19
20
         A. I think just as a response to
21
     customers asking about the FRT-15 and the
22
     situation with the ATF.
```

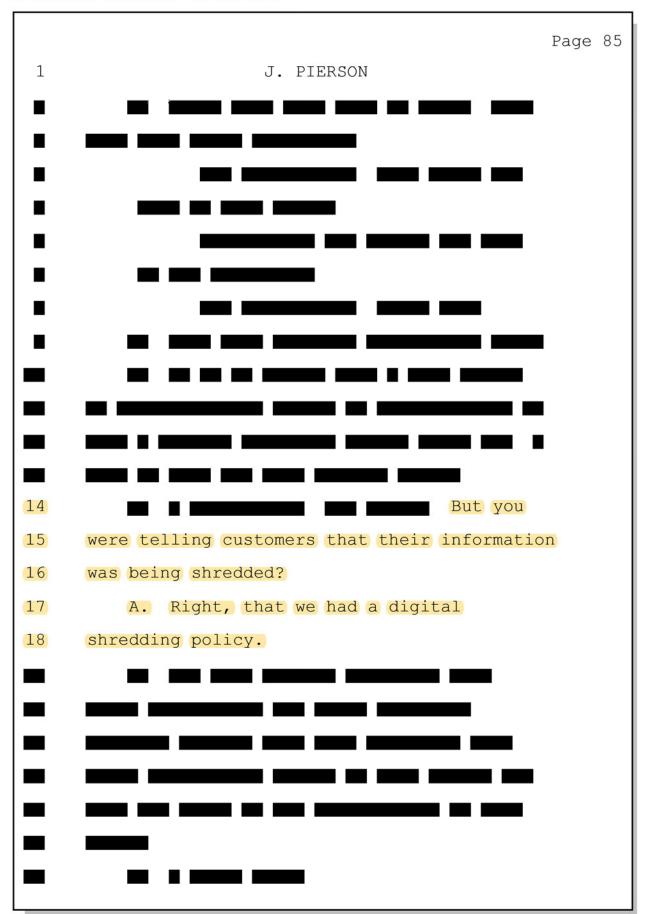


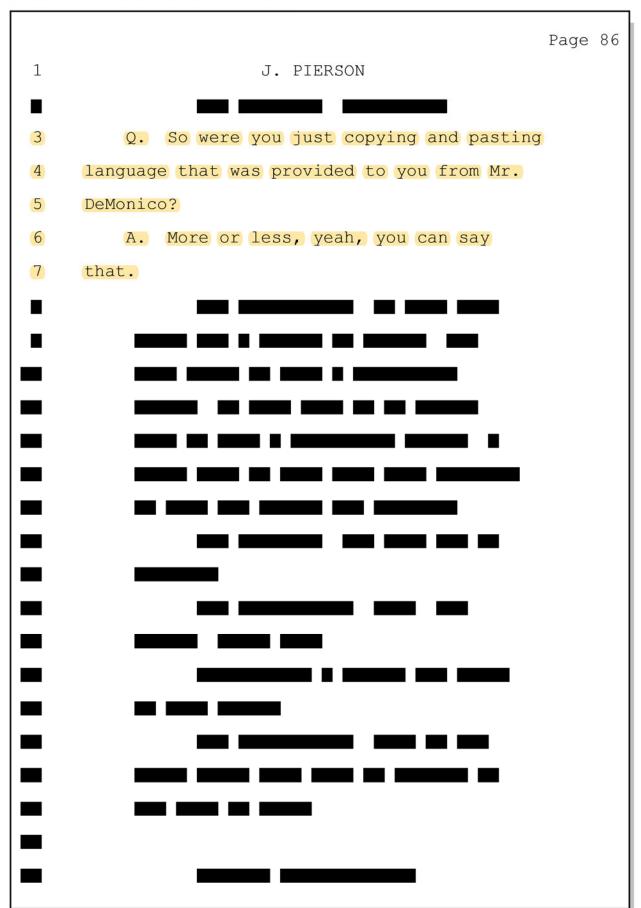


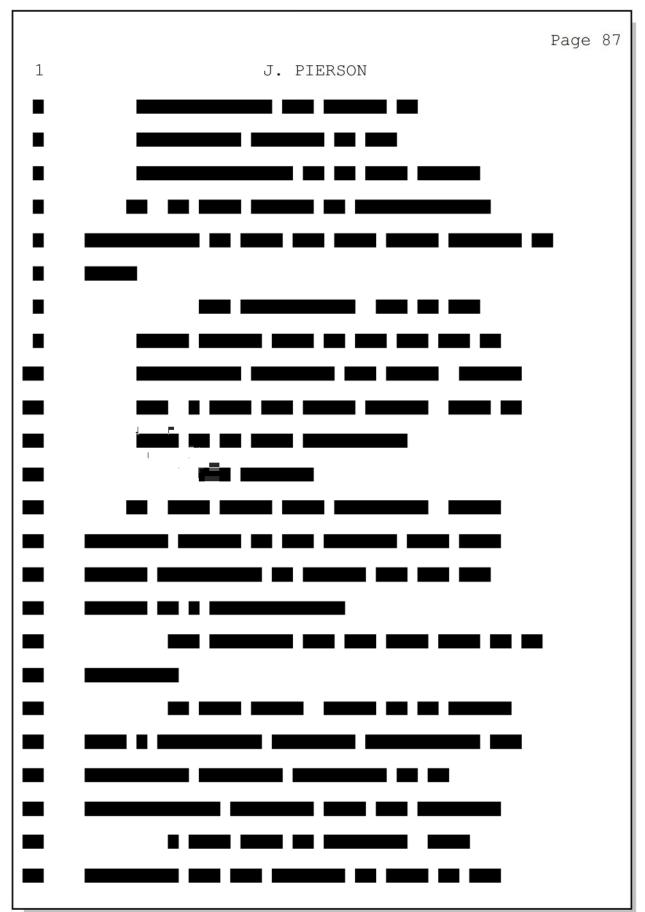


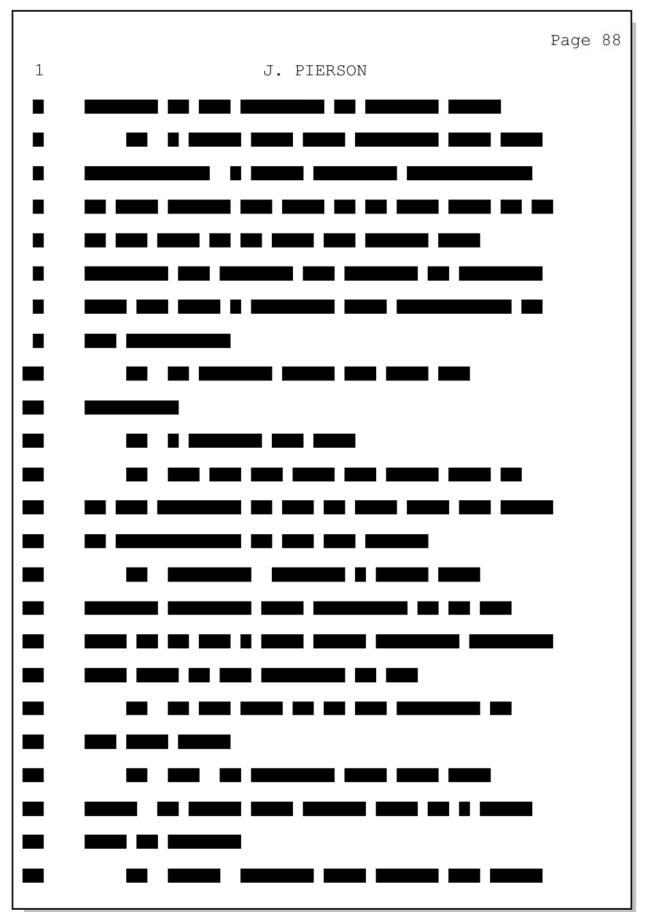


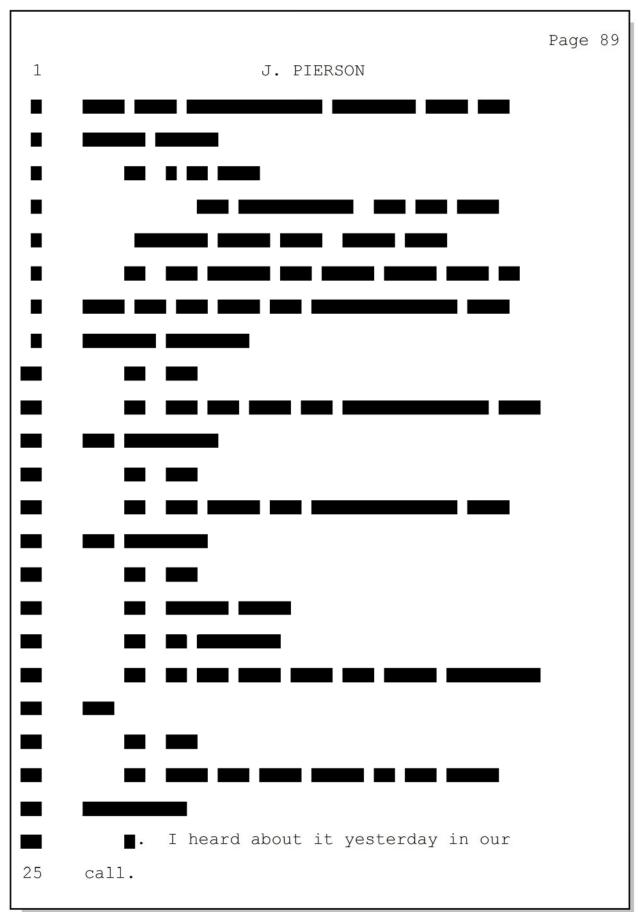


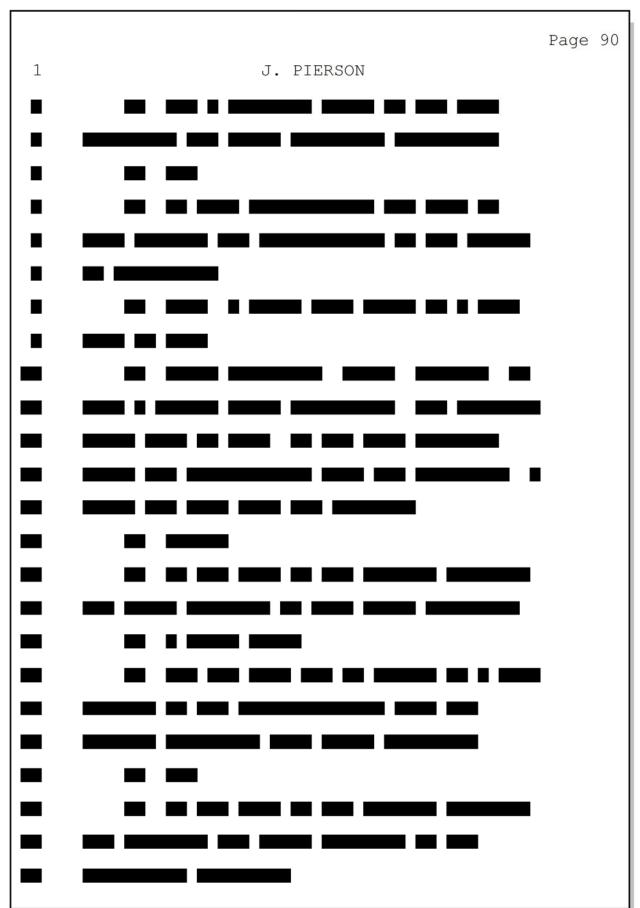






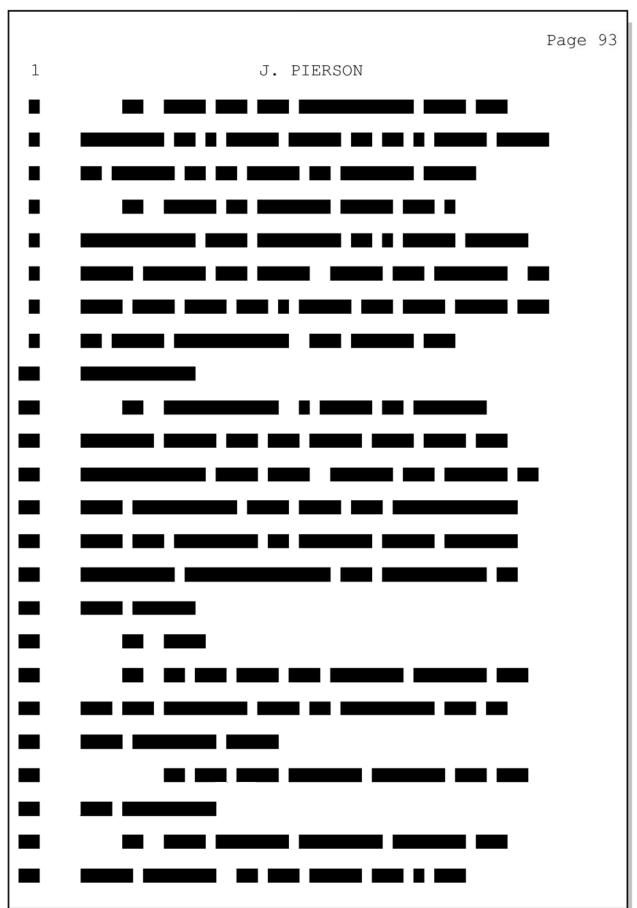


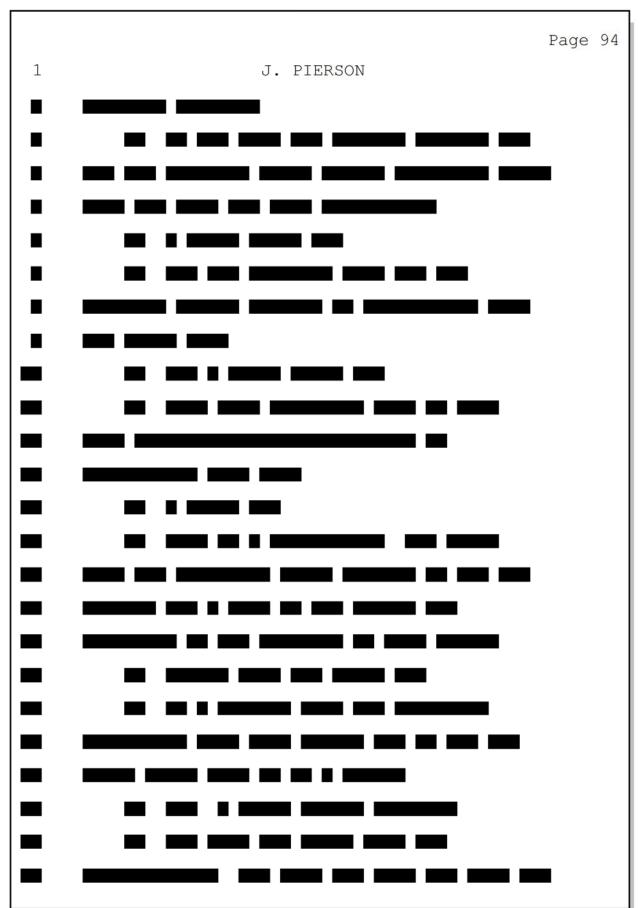


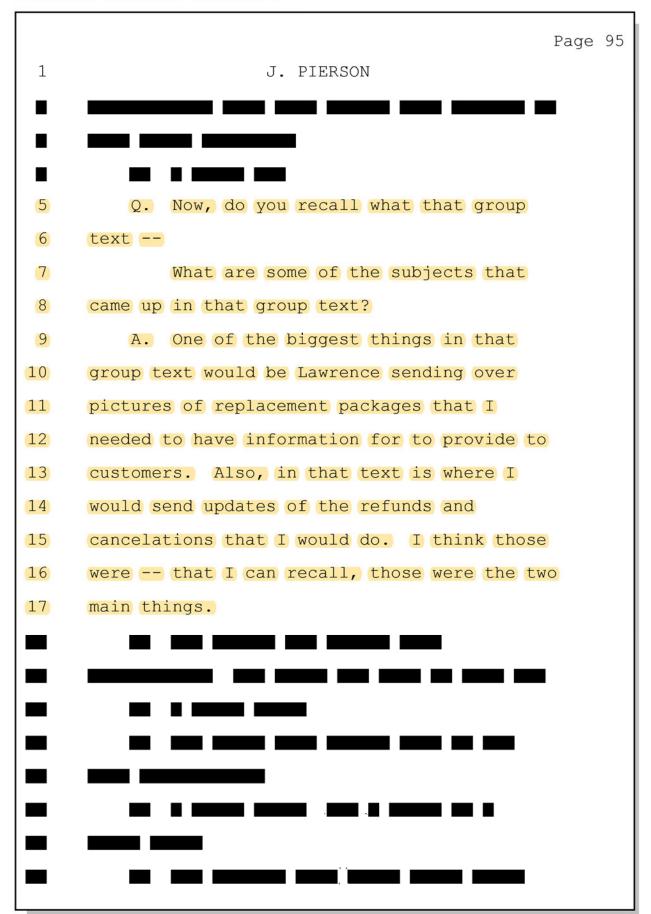


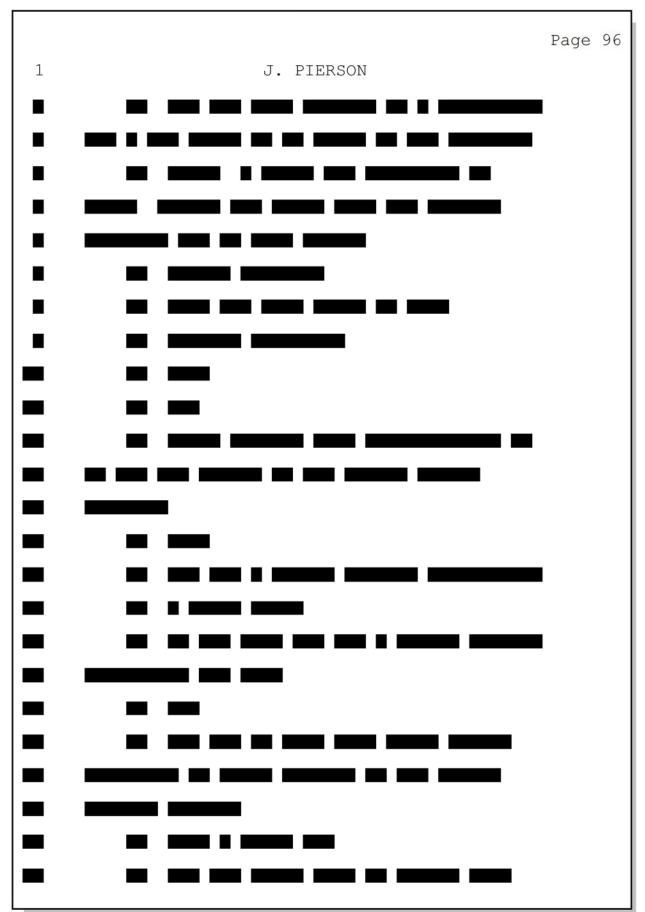
P	age	91
1 J. PIERSON		

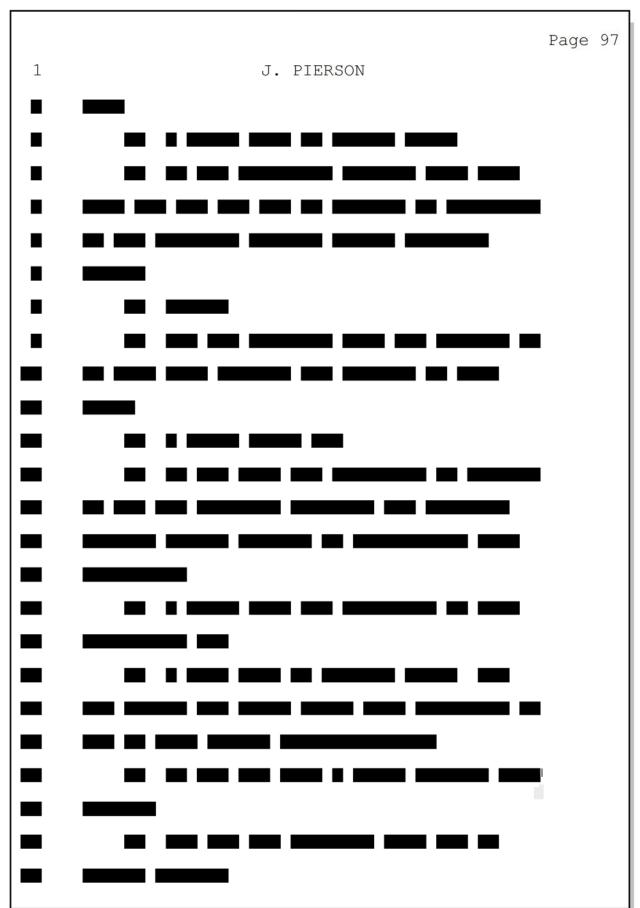
		Page	92
1	J. PIERSON		
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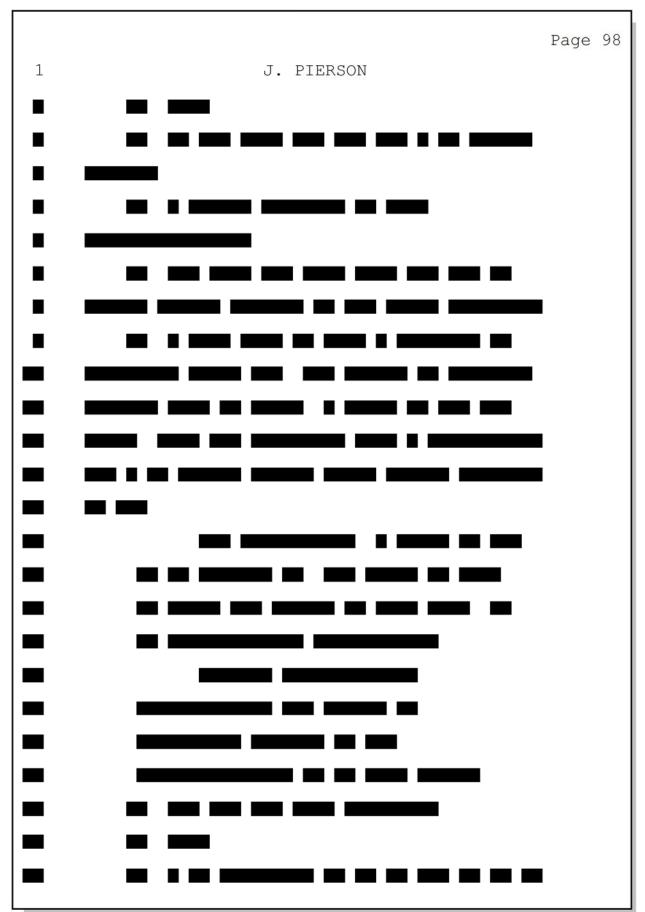


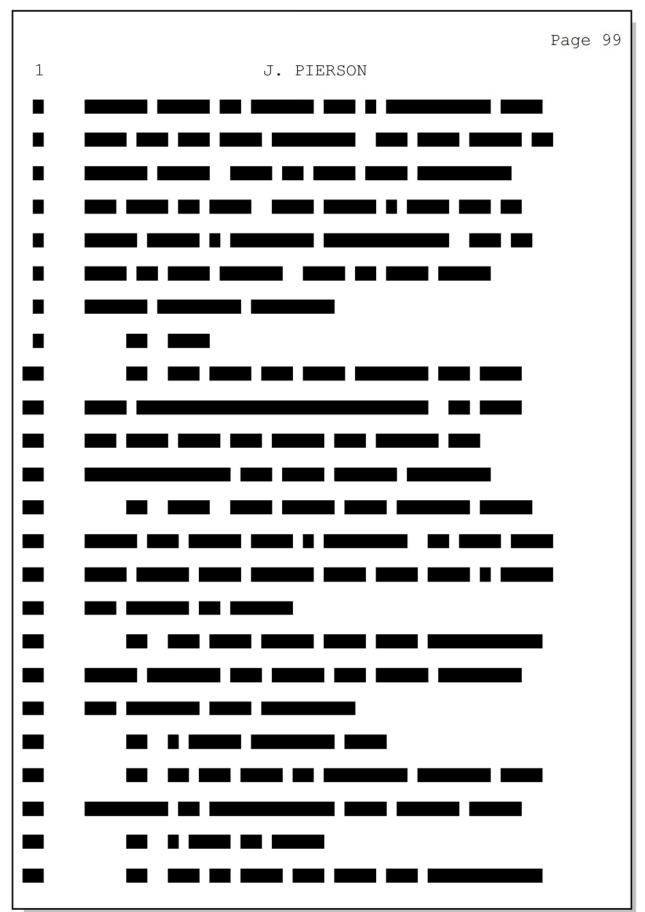


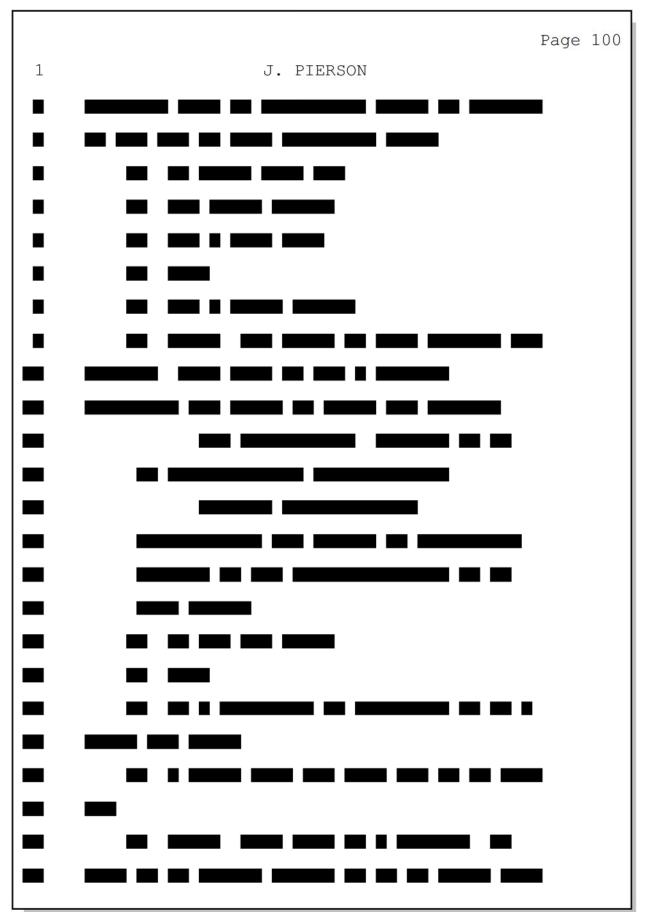


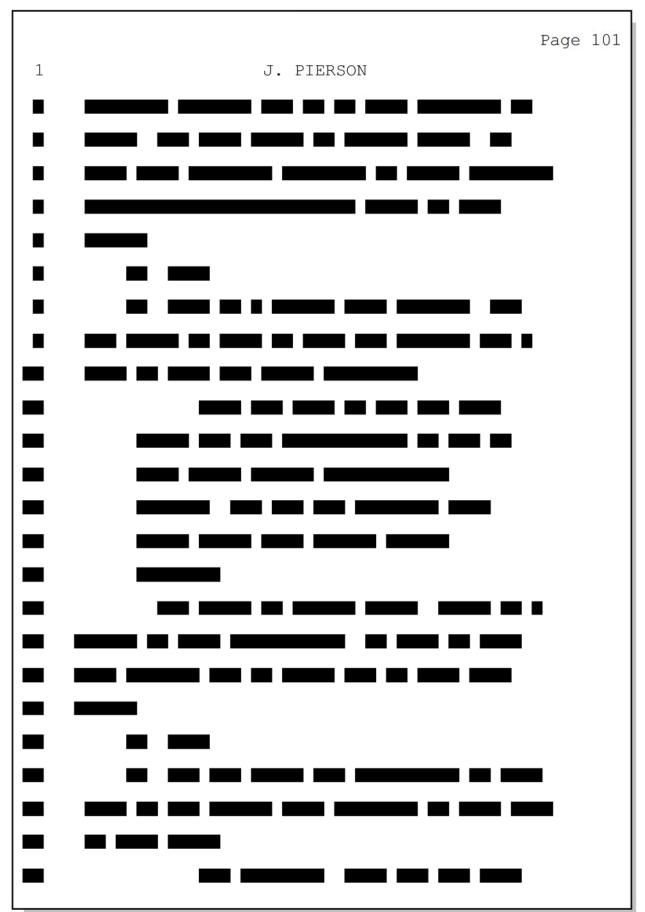




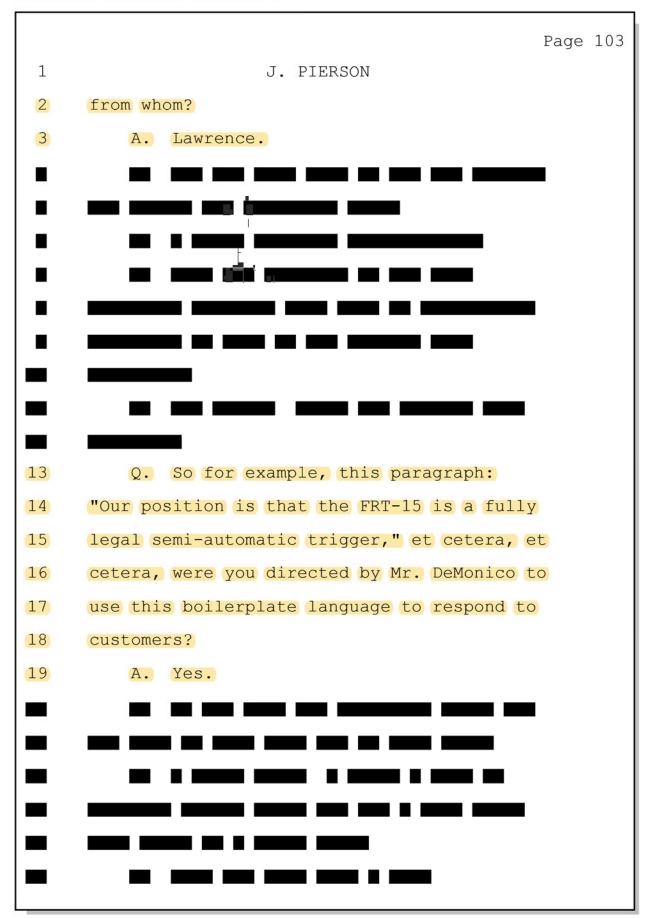


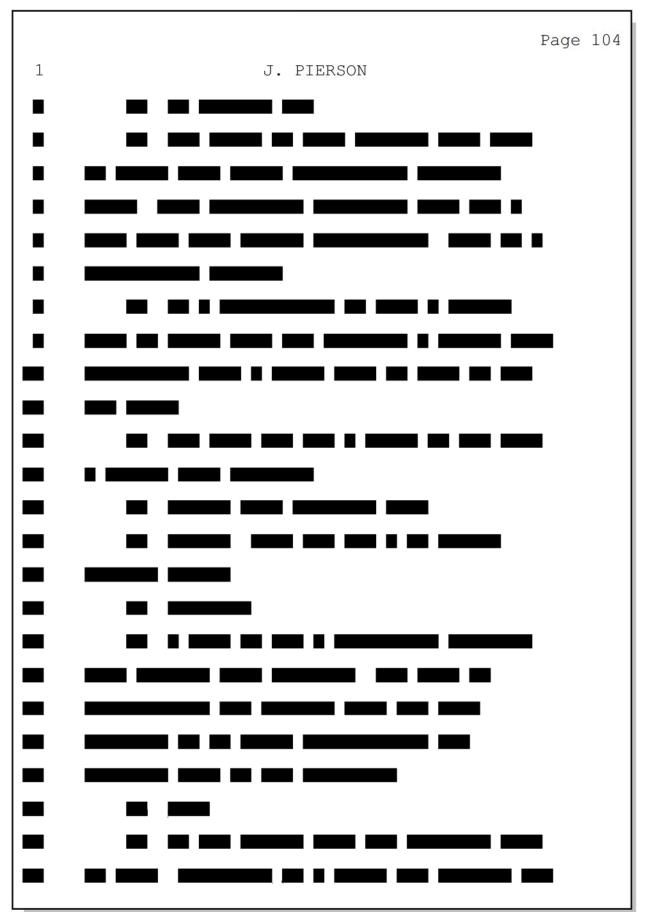


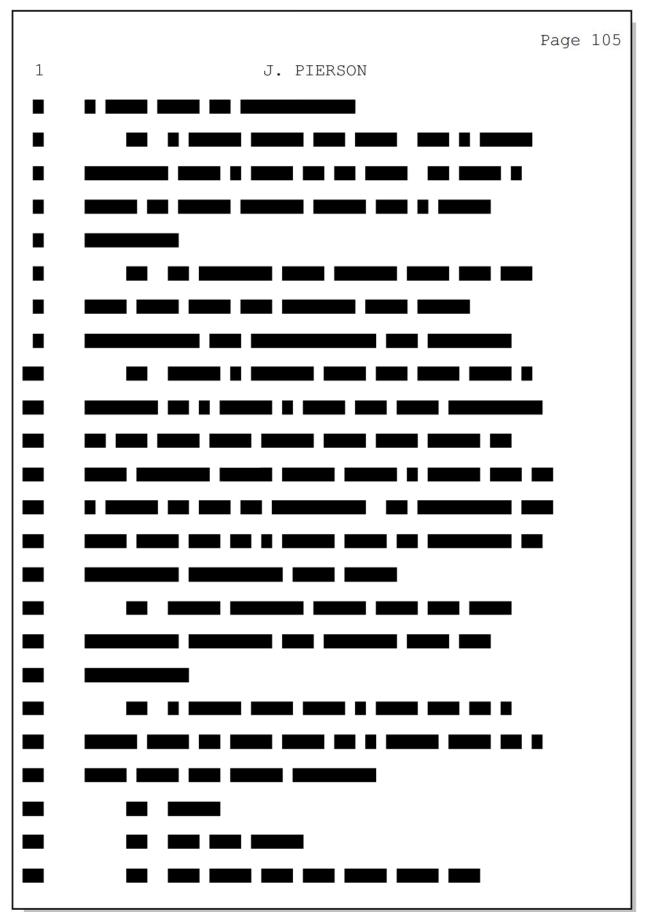


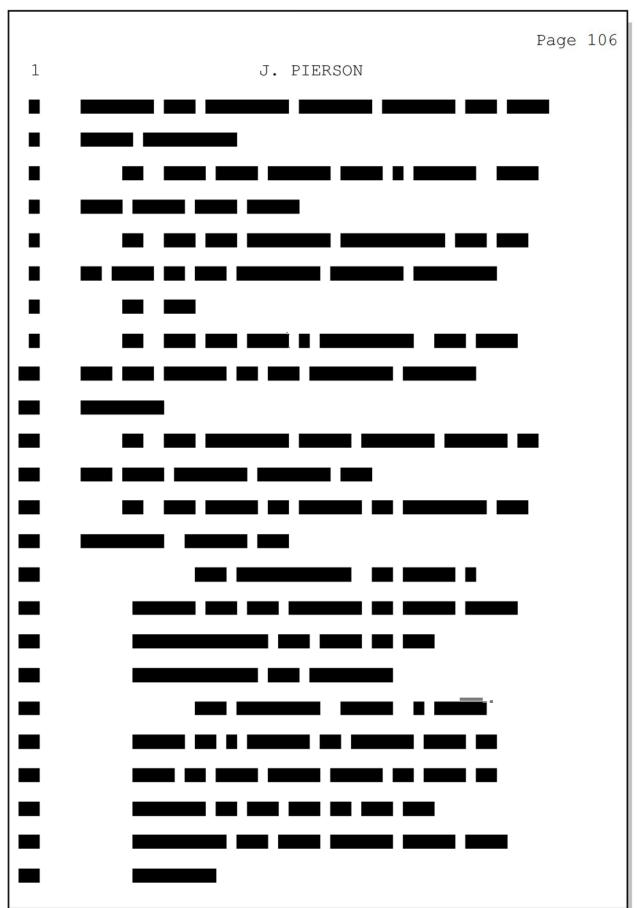


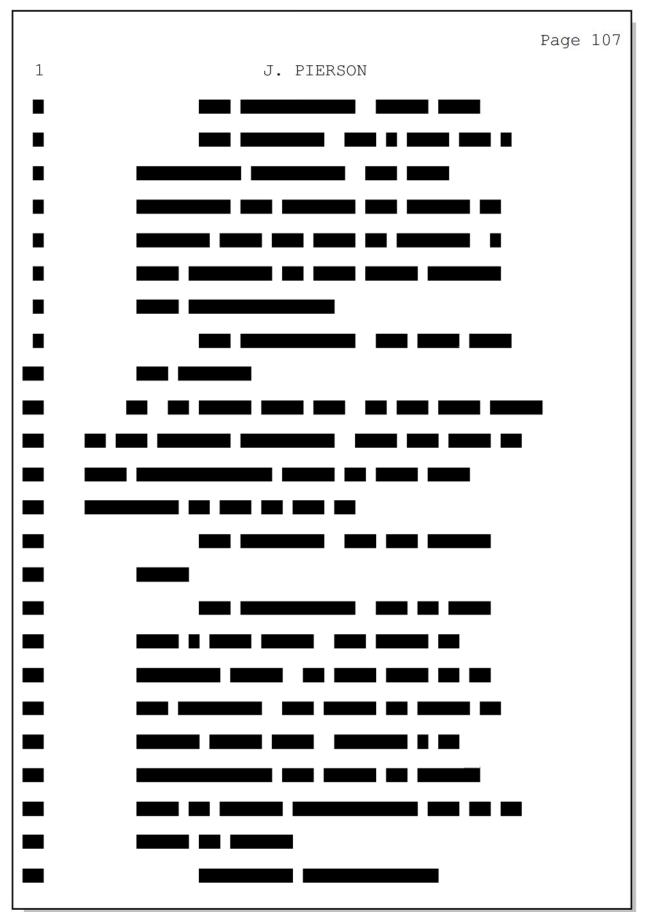
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Page 102
 1
                       J. PIERSON
13
         Q. This, from on Tuesday, December 6th,
14
     to where it says "I hope this helps, Jen,"
     did you draft this?
15
         A. I typed in some of this e-mail. So
16
17
     the middle part that you didn't address:
     "Our position is that the FRT-15 is a fully
18
19
     legal semi-automatic trigger," that was
20
     information that was given to me. The saying
21
     that the WOT, that I'm not able to say too
22
     much about how we came about having
23
     them/selling them, that information was given
24
     to me.
25
         Q. That information was given to you
```



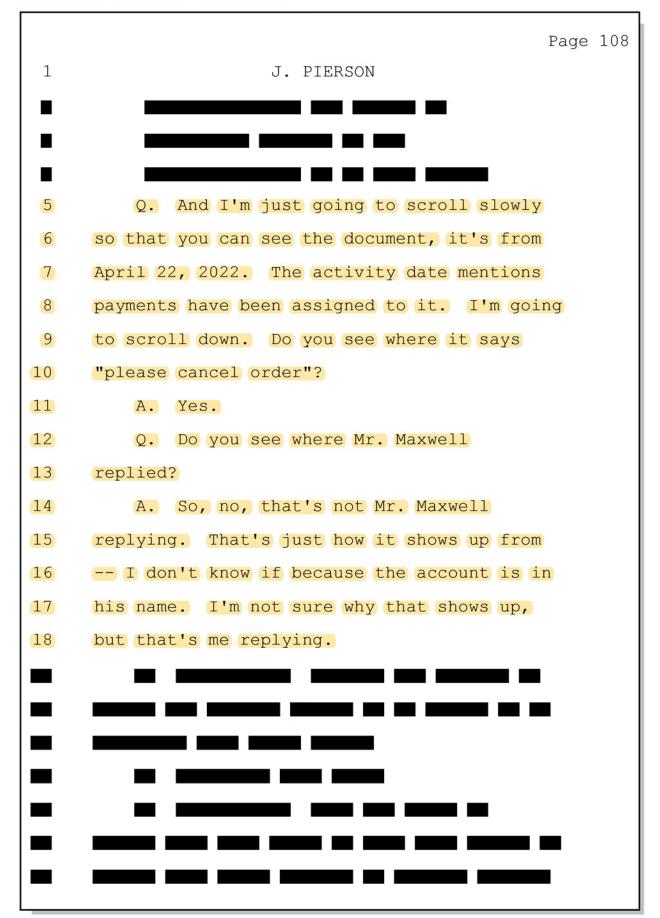


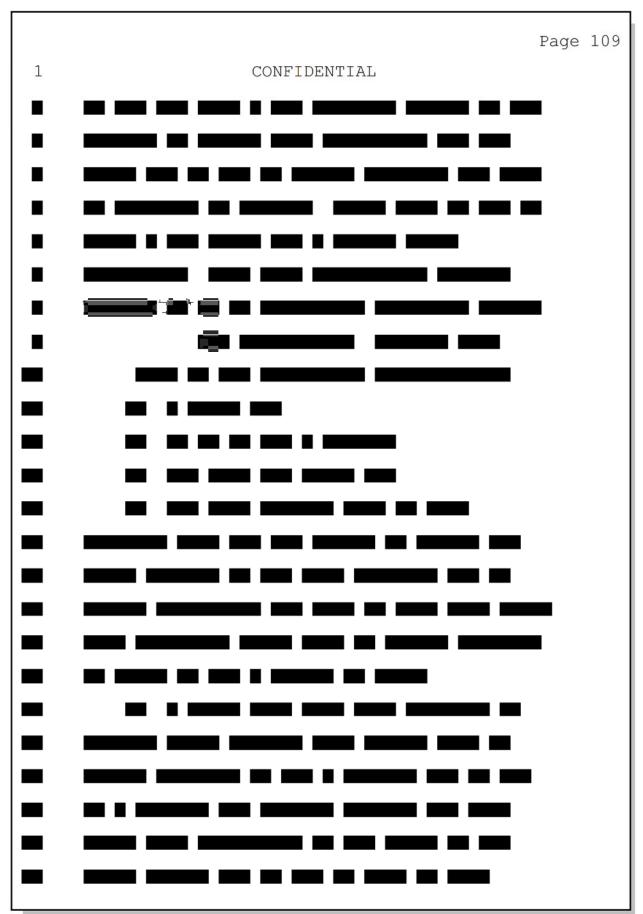


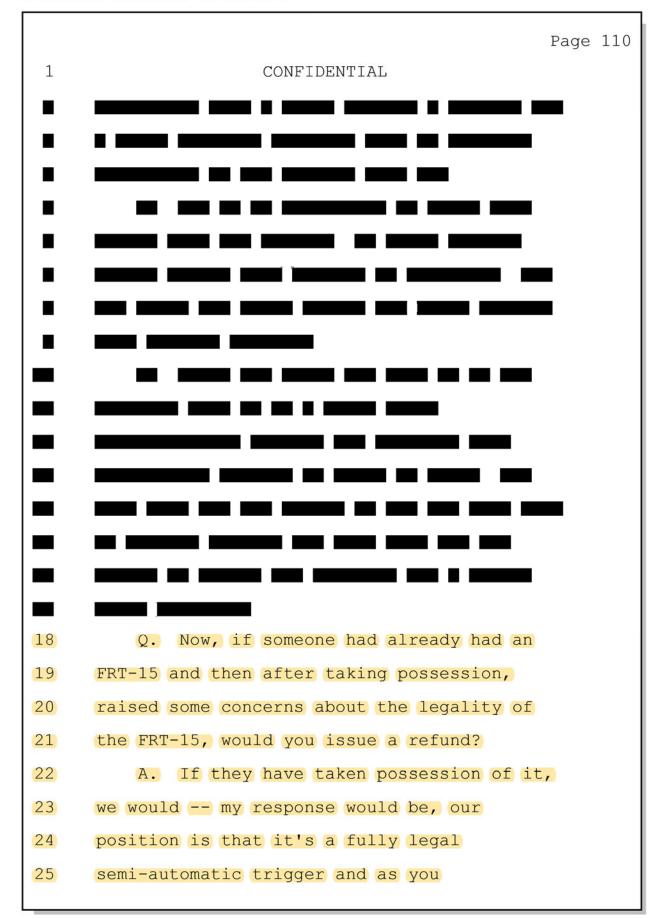




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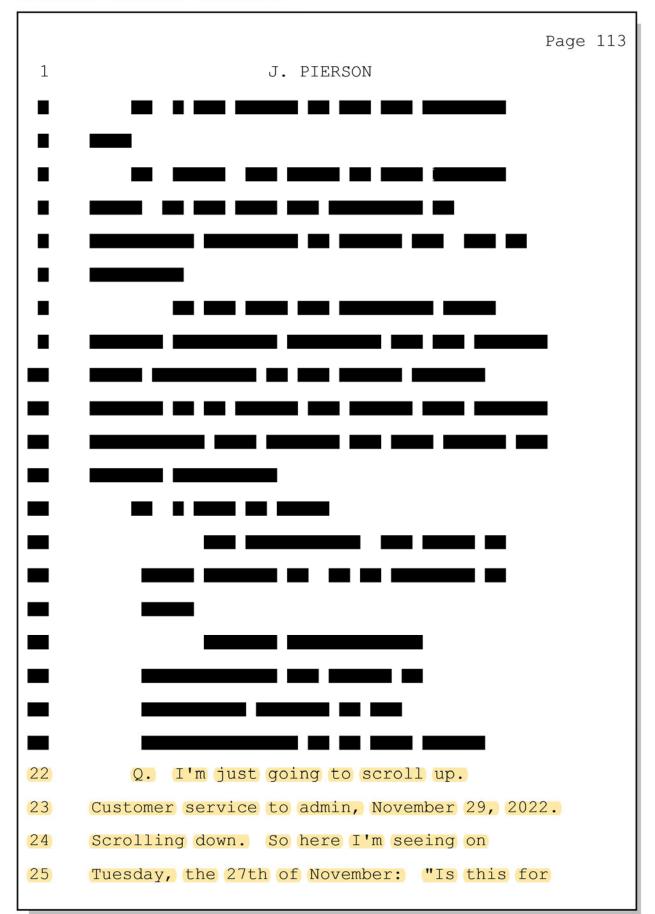


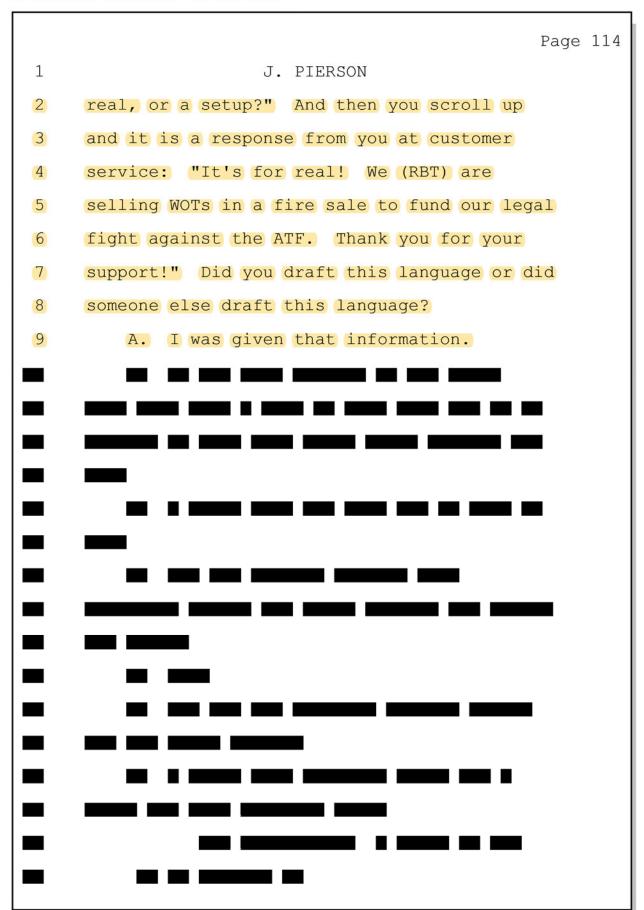


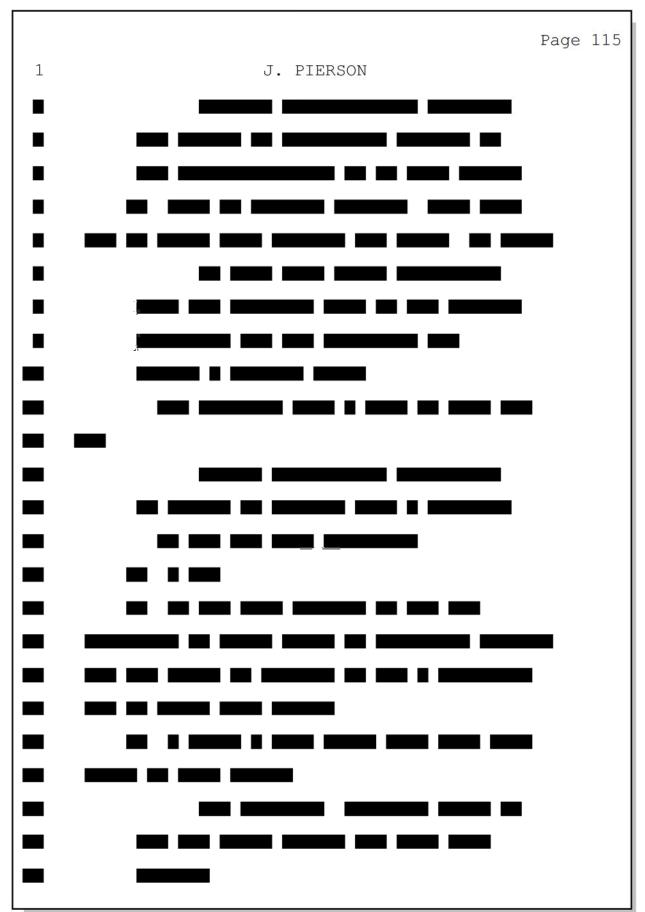


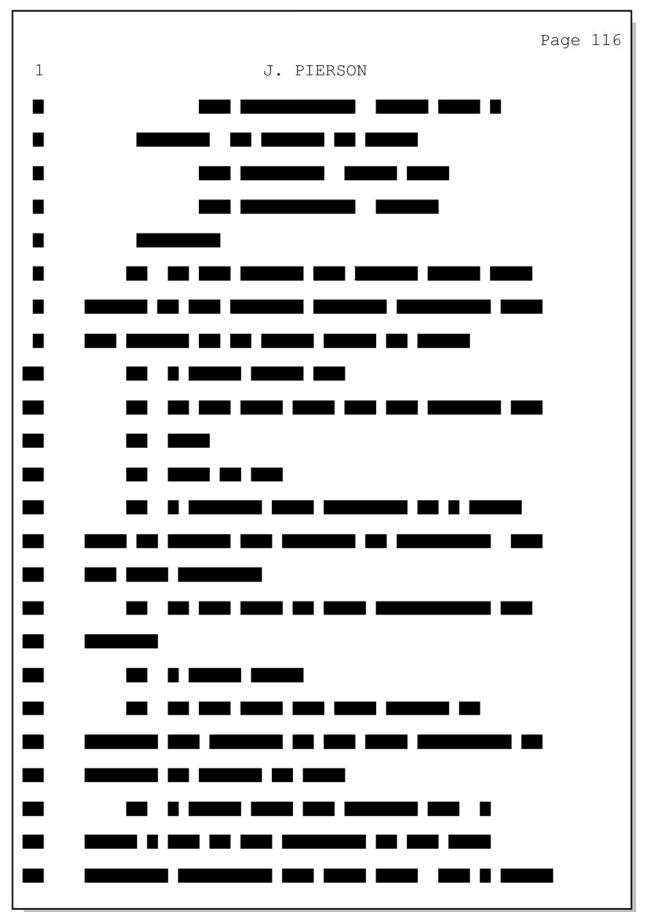
```
Page 111
 1
                      CONFIDENTIAL
2
     acknowledged and agreed to when you checked
3
     out on our website, we have a very clear no
     return, no refund policy.
4
5
         Q. I'm going to scroll down to this
6
     part of the charge-back where it says --
7
     USA 17034, that's the Bates number -- it says
8
     here with regard to this individual, Gustavo,
9
     who raised concerns about the legality of the
10
     FRT-15 in 2022:
11
                "During checkout, all customers
12
          are required to acknowledge that we
13
          (Rare Breed Triggers) have a no
14
          return policy. In fact, the box you
15
          checked during checkout states,
16
          "RETURN POLICY: ALL SALES ARE FINAL.
17
          NO EXCHANGES, NO RETURNS, NO
18
          EXCEPTIONS." This was not done to
19
          avoid honoring a product warranty."
20
            I'm going to scroll down so I don't
21
    read the entire thing. It says:
22
                "Now that we are in the fight
23
          of our lives, accepting returns would
24
          put an extreme financial strain on
25
          the company and prevent us from being
```

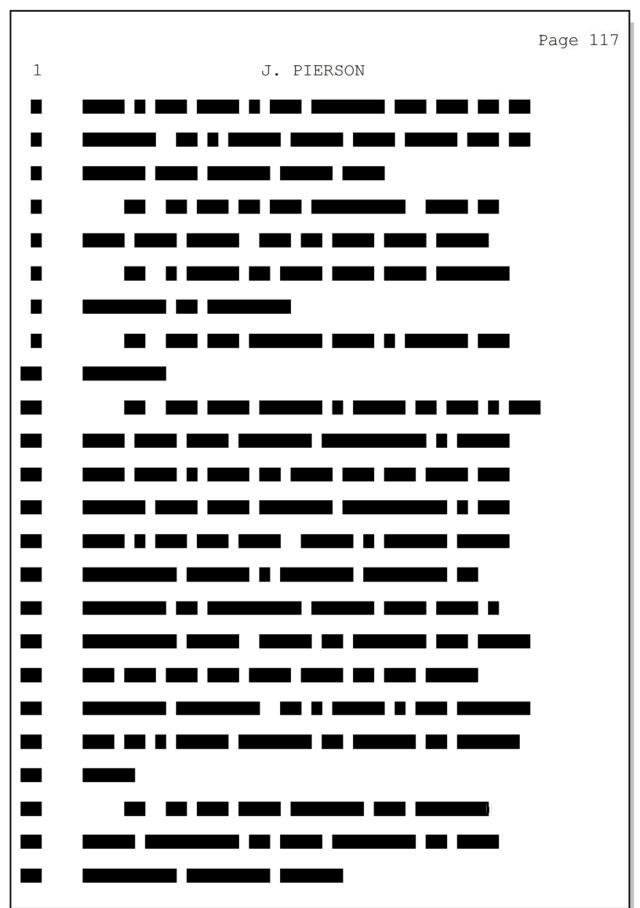
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Page 112
1
                      J. PIERSON
         able to afford what's sure to be a
2
3
         very costly legal battle."
           Did you draft this paragraph "during
4
5
    checkout" or was this another boilerplate that
    you received from Mr. DeMonico or anyone else?
6
7
         A. That, was information that I
8
    received from Mr. DeMonico.
```



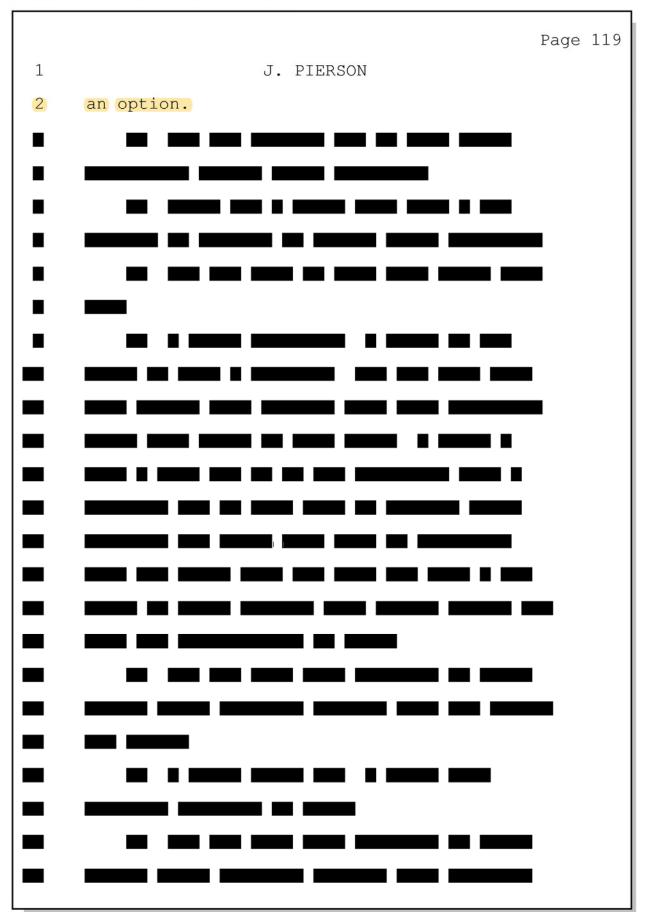


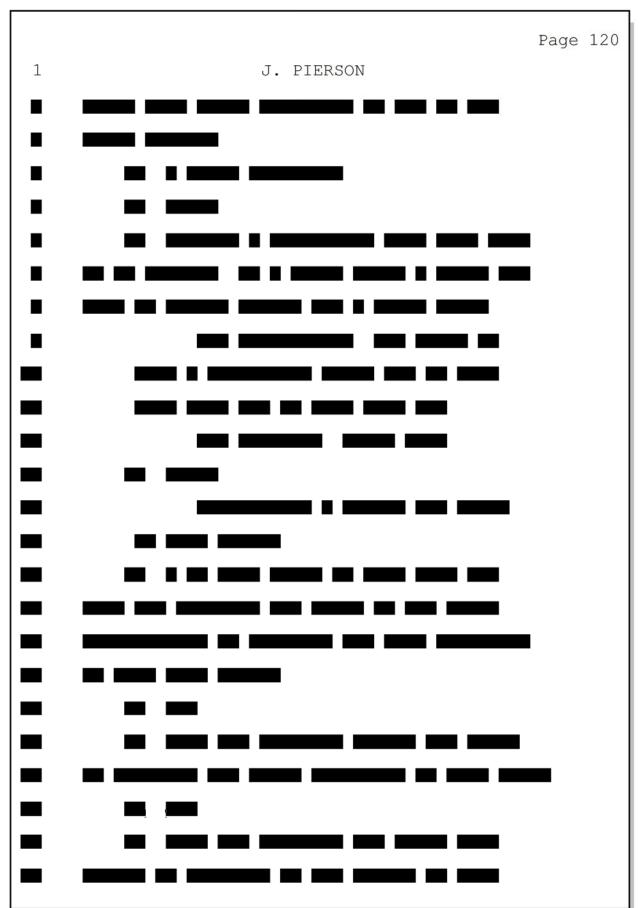


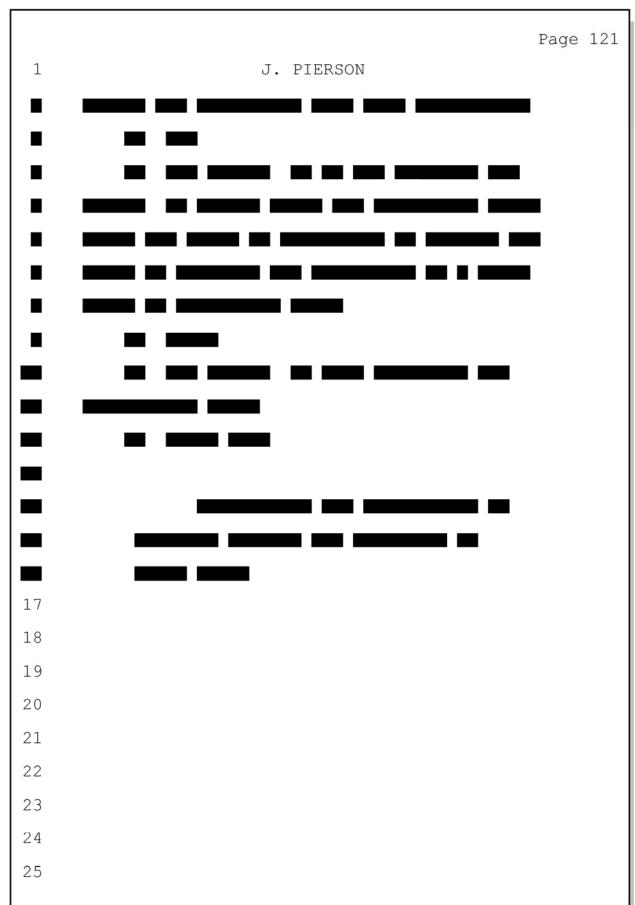




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Page 118
 1
                       J. PIERSON
         Q. Did RBT tell customers in the states
21
     that RBT would not ship in to to go to
22
     GunBroker, Big Daddy or just a third party to
23
24
     purchase FRT-15s?
25
         A. Yeah. I let them know that that was
```







```
Page 122
1
 2
               ACKNOWLEDGEMENT
 3
    STATE OF NEW YORK)
 4
                     :SS
 5
    COUNTY OF
                     )
       I, JENNIFER PIERSON, hereby certify that I
 6
7
    have read the transcript of my testimony taken
8
    under oath on June 29, 2023, that the
    transcript is a true, complete and correct
9
10
    record of what was asked, answered and said
11
    during my testimony under oath, and that the
12
    answers on the record as given by me are true
    and correct.
13
14
15
16
17
18
                       JENNIFER PIERSON
19
20
    Signed and subscribed to
21
    before me, this day
    of _____, 2023.
22
23
24
25
        NOTARY PUBLIC
```

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2		I N D E X		
3	WITNESS	EXAMINATION BY	PAGE	
4				
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6		EXHIBITS		
7	GOVERNMENT	DESCRIPTION	PAGE	
8	A	Temporary Restraining Order and Order to	64	
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22	J	E-mail Bates-stamped RTF 9779	115	
23				
24				
25				

```
Page 124
1
 2
                     CERTIFICATE
 3
       STATE OF NEW YORK )
                         ) Ss.
5
      COUNTY OF NEW YORK )
                I, Amy Boguszewski, a Shorthand
 6
      (Stenotype) Reporter and Notary
7
8
      Public, do hereby certify that the
9
      foregoing Deposition of the witness,
10
      JENNIFER PIERSON, taken via ZOOM at the
11
      time and place aforesaid, is a true
12
      and correct transcription of my
      shorthand notes.
13
14
                I further certify that I am
15
      neither counsel for nor related to any
16
      party to said action, nor in any wise
17
      interested in the result or outcome
18
      thereof.
                IN WITNESS WHEREOF, I have
19
20
      hereunto set my hand this 2nd day of
      July, 2023.
21
22
23
24
                        AMY BOGUSZEWSKI
25
```

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1		
2	DEPOSITION ERRATA SHEET	
3	Page NoLine NoChange to:	_
4		
5	Reason for change:	_
6	Page NoLine NoChange to:	_
7		_
8	Reason for change:	_
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20	Reason for change:	_
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22		_
23	Reason for change:	_
24	Signature:DATE:	_
25	JENNIFER PIERSON	